

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Government,

vs.

ROD BLAGOJEVICH,  
ROBERT BLAGOJEVICH,

Defendants.

No. 08 CR 888

Chicago, Illinois

June 14, 2010

9:30 o'clock a.m.

VOLUME 7- A

TRANSCRIPTS OF PROCEEDINGS  
BEFORE THE HONORABLE JAMES B. ZAGEL

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1

2 (The following proceedings were had out of the  
3 presence of the jury in open court:)

4 THE CLERK: Please remain seated.

:54AM

5 We'll resume with the case on trial.

6 THE COURT: We are ready?

7 MR. SCHAR: Yes, Judge.

8 THE COURT: Could I have the witness back on  
9 the stand.

:56AM

10 THE MARSHAL: All rise.

11 (The following proceedings were had in the  
12 presence of the jury in open court:)

13 THE COURT: You may be seated.

:57AM

14 Mr. Monk, I want to remind you that you are  
15 still under oath, do you understand that?

16 THE WITNESS: Yes.

:57AM

17 THE COURT: And, members of the jury, I want  
18 to remind you of what I ended with last Thursday.  
19 Again, be careful to avoid contact with any media  
20 about this trial, the proceedings inside. You must  
21 not communicate with anyone in any way or let anyone  
22 else communicate with you. Basically, you can't  
23 discuss the case at all, even amongst yourselves,  
24 until you've heard all the evidence.

:58AM

25 With those two reminders, you may proceed.

Monk - direct by Niewoehner

1239 - A

1 MR. NIEWOEHRER: Thank you, Your Honor.

2 LON MONK, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN

3 DIRECT EXAMINATION (resumed)

4 BY MR. NIEWOEHRER:

5 q Mr. Monk, are you familiar with Children's

6 Memorial Hospital?

7 A Yes.

8 q What is that?

9 A It's a children's hospital here in Chicago.

10 q I'm going to direct your attention to 2008.

11 Did you have any conversations with Defendant

12 Blagojevich about Children's Memorial Hospital in

13 that time frame?

14 A Yes.

15 q Did you have more than one conversation?

16 A Yes.

17 q What did Defendant Blagojevich want to do with

18 respect to Children's Memorial Hospital?

19 MR. ADAM, JR.: Objection; foundation.

20 THE COURT: Are you referring to one

21 conversation or more than one?

22 MR. NIEWOEHRER: Generally speaking, Your

23 Honor.

24 THE COURT: The conversations to which he's

25 already testified?

Monk - direct by Niewoehner

1240 - A

1 MR. NIEWOEHNER: That's correct.

2 THE COURT: Given that, the objection is  
3 overruled.

4 BY MR. NIEWOEHNER:

:59AM

5 Q Would you like me to repeat the question?

6 A Please.

7 Q Generally, what did Defendant Blagojevich  
8 indicate he wanted to do with respect to Children's  
9 Memorial Hospital?

:59AM

10 A Seek campaign contributions.

11 Q Was there a particular time frame by which  
12 Defendant Blagojevich wanted to get a contribution  
13 from Children's Memorial Hospital?

14 A Yes.

:59AM

15 Q What was that?

16 A By the end of the year 2008.

17 Q I'm going direct your attention to October 22nd,  
18 2008.

19 Did you have a meeting with Defendant  
20 Blagojevich on that day?

:59AM

21 A Yes.

22 Q Where was that meeting?

23 A At the campaign office.

24 Q Who was present for that meeting?

:59AM

25 A Myself, Rod, Rob, and John Wyma.

Monk - direct by Niewoehner

1241 - A

1 q what was the purpose of the meeting at the FOB  
2 offices that day?

3 A Discuss fundraising, go through fundraising  
4 lists.

5 q why was John Wyma there?

6 A Because he from time to time did fundraising and  
7 he was responsible for, I think, some of the people  
8 on that list.

9 q Was there a conversation about Children's  
10 Memorial Hospital that day?

11 A Yes.

12 q what was said about Children's Memorial Hospital  
13 that day?

14 A Talk about the possibility of getting a campaign  
15 contribution, and how to go about doing it, and who  
16 to approach, and, you know, when could we get the  
17 donation.

18 q Did John Wyma say anything about Children's  
19 Memorial Hospital in that conversation?

20 A Yeah.

21 q what did he say?

22 A He said that, you know, there was a pretty good  
23 likelihood that he'd be able to get a donation but  
24 he wasn't sure he'd be able to do it by the end of  
25 the year because Children's Memorial Hospital was a

1 nonprofit organization and the people chosen more  
2 who would be helping with fundraising would have to  
3 go to private donors to get money and that would  
4 take time.

:01AM

5 q Did you understand from what Wyma said whether  
6 Children's Memorial Hospital itself could make a  
7 contribution?

8 A No, he was saying or leading me to believe they  
9 couldn't because they were a nonprofit organization.

:01AM

10 q Did Wyma leave the meeting at some point?

11 A Yes.

12 q Did you continue to talk with Defendant  
13 Blagojevich and Robert Blagojevich after that point?

14 A Yes.

:01AM

15 q Did you discuss fundraising after John Wyma left  
16 the meeting?

17 A Yes.

18 q Did you have any subsequent meetings at the FOB  
19 offices with Defendant Blagojevich and Robert

:01AM

20 Blagojevich?

21 A Yes.

22 q I'm going to direct your attention to the  
23 October, November time frame of 2008.

:01AM

24 In that time frame, did you have any further  
25 conversation with Defendant Blagojevich about



Monk - direct by Niewoehner

1243 - A

1 whether you personally would contact Children's  
2 Memorial Hospital about fundraising?

3 A Yeah, we -- yes, we had a conversation among the  
4 three of us, Rob, Rod and myself, about who would  
5 approach Children's Memorial Hospital to try and get  
6 a donation by the end of the year.

7 q And in relation to this October 22nd meeting you  
8 testified a moment earlier, when was this  
9 conversation between yourself, Defendant Blagojevich  
10 and Robert Blagojevich?

11 A With respect to that specific matter, it was -- I  
12 mean, that -- that conversation could've taken place  
13 after John Wyma left the meeting on October 22nd, I  
14 don't recall. But if it didn't get discussed then,  
15 it got discussed within a week or two of that  
16 October 22nd meeting.

17 q All right. And in this conversation that you're  
18 referring to with just yourself, Defendant  
19 Blagojevich and Robert Blagojevich, what was said?

20 A We talked about whether Rob or myself should  
21 approach Children's Memorial for a campaign  
22 contribution.

23 q What was decided to do?

24 A That Rob would contact them.

25 q Why weren't you going to be the person who would

Monk - direct by Niewoehner

1244 - A

1 approach Children's Memorial Hospital?

2 A Because I didn't know anyone there.

3 q After that conversation in which it was discussed  
4 that Robert Blagojevich would approach Children's  
5 Memorial Hospital, did you have any further  
6 conversations about Children's Memorial Hospital?

7 A Yes.

8 q Where did that conversation take place?

9 A At the campaign office.

10 q Who was present for that conversation?

11 A Rod, Rob and myself.

12 q And in relation to the conversation where it was  
13 decided that Robert Blagojevich would approach  
14 Children's Memorial Hospital, where did that  
15 conversation take place?

16 A I think it was about a week, maybe two weeks  
17 after.

18 q What was discussed in that conversation?

19 A The status of Rob's efforts to solicit donations  
20 from Children's Memorial.

21 q What did Robert Blagojevich say about that?

22 A When we got to Children's Memorial, he said, "I'm  
23 not going to call them anymore, they haven't  
24 returned a number of my phone calls."

25 q How did Defendant Blagojevich react upon hearing

Monk - direct by Niewoehner

1245 - A

1 that?

2 A He wasn't happy. He got up and, you know, said,  
3 "screw these guys" and went and got on the phone.

4 Q And when he said, "screw these guys," who did you  
5 understand he was referring to?

6 A Children's Memorial.

7 Q What did -- I think you said Defendant  
8 Blagojevich got on the telephone, is that correct?

9 A Correct.

10 Q What did you understand he was going to do?

11 MR. ADAM, JR.: Objection.

12 THE COURT: He can testify as to his  
13 understanding.

14 BY THE WITNESS:

15 A Well, initially -- initially I wasn't -- I wasn't  
16 sure exactly what it was that he was going to do,  
17 but once he got on the phone I understood that he  
18 was calling the Governor's Office.

19 Q And what did he say?

20 A He talked to somebody in the Governor's Office  
21 and asked what the status of the Children's Memorial  
22 money or grant was from the state.

23 Q Did you understand who he was trying to speak  
24 with?

25 A Bob Greenlee.

Monk - direct by Niewoehner

1246 - A

1 q who is Bob Greenlee?

2 A I'm not sure exactly what his title was, but he  
3 worked in the Governor's Office.

4 q Could you hear both sides of that conversation?

5 A No.

6 q Do you know who Defendant Blagojevich actually  
7 spoke with?

8 A No.

9 q what did Defendant Blagojevich say when he was on  
10 the phone?

11 A He asked what the timing and status was of  
12 Children's Memorial Hospital in getting the amount  
13 of money or grant.

14 q And did you know what exactly -- what money or  
15 grant Defendant Blagojevich was talking about?

16 A No.

17 q Could you hear the answer to Defendant  
18 Blagojevich's question about the status of that  
19 money or grant?

20 A No.

21 q what did Defendant Blagojevich say next?

22 A He said, "okay, fine, don't do anything with it  
23 until I talk to you, until I let you know."

24 q Did you hear the response on the phone?

25 A No.

Monk - direct by Niewoehner

1247 - A

1 q what did you understand Defendant Blagojevich was  
2 saying to the person on the phone?

3 A Don't -- don't let the money go to Children's  
4 Memorial until he let them know that it was okay to  
5 do that.

:06AM

6 q why did you understand Defendant Blagojevich was  
7 issuing that instruction?

8 A Because he was angry that Children's Memorial  
9 wasn't returning Rob's phone calls and was not  
10 talking about fundraising.

:06AM

11 q After that conversation, did you hear anything  
12 further about whether Children's Memorial Hospital  
13 ever made a contribution?

14 A No.

:06AM

15 q Prior to Defendant Blagojevich's arrest, did you  
16 learn whether Children's Memorial Hospital ever got  
17 the money or the grant that Defendant Blagojevich  
18 was talking about?

19 A No.

:07AM

20 q I'm going to turn your attention now to an  
21 individual named John Johnston.

22 Are you familiar with that person?

23 A Yes.

24 q who is he?

:07AM

25 A He is part of the family that owns racetracks in

Monk - direct by Niewoehner

1248 - A

1 Illinois. He's a former client of mine, donor to  
2 the campaign.

3 Q Which horse racetracks are you referring to?

4 A Balmoral and Maywood.

:07AM

5 Q When did you first hear of John Johnston?

6 A I think it was in 2002.

7 Q In what context?

8 A He was a donor to the campaign; fairly  
9 significant.

:07AM

10 Q Do you recall approximately how much money  
11 Johnston or his family arranged to contribute?

12 A Not specifically, but I think it was at least  
13 \$100,000.

14 Q Were you the primary point of contact in terms of  
15 fundraising from Johnston in the 2002 campaign?

:08AM

16 A No.

17 Q Who was?

18 A Chris Kelly.

19 Q In the 2006 campaign, was Johnston still a  
20 significant fundraiser for the Governor?

:08AM

21 A I believe he was.

22 Q Did you have an understanding of how much money  
23 Johnston arranged to contribute in the 2006  
24 campaign?

:08AM

25 A Not specifically, but I think it was, again, in

Monk - direct by Niewoehner

1249 - A

1 the minimum of \$100,000.

2 q who was the principal point of contact for  
3 Johnston in the 2006 campaign?

4 A Chris Kelly.

:08AM

5 q At some point did Kelly stop handling the  
6 fundraising relationship with John Johnston?

7 A Yes.

8 q About when did that happen?

:08AM

9 A I'd say sometime in late 2007, early first  
10 quarter of 2008.

11 q who handled Johnston, from a fundraising  
12 perspective, after that point?

13 A Me.

14 q Did you do any work for Johnston?

:09AM

15 A Yes.

16 q what kind of work did you do for him?

17 A I was a lobbyist and consultant for him in  
18 Illinois.

:09AM

19 q what types of issues did you work on for  
20 Johnston?

21 A Legislative issues and issues that dealt with the  
22 Governor's Office.

23 q About when did you begin to work with Johnston?

24 A It was about the summer of 2007.

:09AM

25 q Were you paid for your work?

Monk - direct by Niewoehner

1250 - A

1 A Yes.

2 q About how much did Johnston pay you for your  
3 work?

4 A \$12,500 a month.

:09AM

5 q So on an annual basis about how much does that  
6 translate to?

7 A \$150,000.

8 q I'm going to direct your attention now to 2008.

:09AM

9 Were there any particular issues that you  
10 worked on for Johnston in that time frame?

11 A Yes.

12 q What did you work on?

:10AM

13 A He was looking to get -- well, there were two  
14 issues, one was kind of an ongoing where racetracks  
15 wanted to get slot machines, wanted the Illinois  
16 legislature to pass a law allowing racetracks to  
17 have slot machines at the tracks.

:10AM

18 And then the other was a piece of legislation  
19 that had passed in 2006 and was going to expire in,  
20 I believe, May of 2008, and he wanted to get that  
21 renewed or extended.

22 q All right. This 2006 piece of legislation, about  
23 when did it become law?

24 A I think it was May of 2006, May or June.

:10AM

25 q Did you understand if I refer to that law as the



Monk - direct by Niewoehner

1251 - A

1 2006 law?

2 A Yes.

3 q Or the 2006 racetrack law?

4 A Yes.

:10AM

5 q What did the 2006 racetrack law do?

6 A It required the riverboat casinos to provide a  
7 subsidy to the horse racing industry to help the  
8 horse racing industry, including tracks.

:11AM

9 q When the 2006 racetrack law passed in May of  
10 2006, what were you doing? What was your job at  
11 that point?

12 A I was campaign manager for the Governor.

13 q Did you have any particular involvement in this  
14 law when it passed?

:11AM

15 A No.

16 q And so for this 2006 racetrack law, where was  
17 this money supposed to come from that would be paid  
18 for the subsidy?

19 A From the revenue generated by the casinos.

:11AM

20 q Who was going to pay for the subsidy?

21 A The horse racing industry, including the tracks,  
22 the horsemen, other people involved in horse racing.

23 q What was the purpose of the bill, of the law?

:12AM

24 A To try and help the horse racing industry that  
25 was financially in trouble.

Monk - direct by Niewoehner

1252 - A

1 q In terms of number of dollars, was this in the  
2 millions of dollars?

3 A Yes.

4 q Under the 2006 racetrack law, was money going to  
5 go to the racetracks that were owned by John  
6 Johnston's family?

7 A Yes.

8 q Under the 2006 racetrack law, how long are the  
9 casinos required to pay for the subsidy?

10 A 2 years.

11 q What happened at the end of the 2 years?

12 A The law would expire and the casinos were no  
13 longer required to pay the subsidy.

14 q So about when was the law due to expire in 2008?

15 A I believe in May.

16 q Did you talk with Johnston about the 2006  
17 racetrack law before it expired in May of 2008?

18 A Yes.

19 q What did Johnston indicate he wanted to do with  
20 respect to the 2006 racetrack law?

21 MR. ADAM, JR.: Objection; foundation.

22 THE COURT: Lay a foundation.

23 BY MR. NIEWOEHRER:

24 q In these conversations before the 2006 racetrack  
25 law expired, did you have more than one conversation

Monk - direct by Niewoehner

1253 - A

1 with Johnston?

2 A I believe I did.

3 q And in these conversations before May of 2008,  
4 what did Johnston indicate he wanted to do with  
5 respect to the 2006 racetrack law?

6 A He wanted to get legislation drafted and passed  
7 in order to extend that law.

8 q And in May of 2008, were there any legislative  
9 steps undertaken to possibly do that?

10 A I believe the bill may have been drafted by then.

11 q Did the Illinois legislature sit in session all  
12 year round?

13 A No.

14 q Did the Illinois legislature meet around  
15 May 2008?

16 A I think so, yeah.

17 q Was there any legislation passed around 2008 that  
18 would extend the subsidy that was being paid for the  
19 racetracks?

20 A No.

21 q As a result, did the casinos have to pay any  
22 further subsidies after the 2006 racetrack law  
23 expired?

24 A No.

25 q I'm now going to turn your attention to the fall

Monk - direct by Niewoehner

1254 - A

1 of 2008.

2 In that time frame did you talk with  
3 Defendant Blagojevich about raising funds from  
4 Johnston?

:14AM

5 A Yes.

6 q Did you have more than one conversation on that  
7 topic?

8 A Yes.

:14AM

9 q Was Robert Blagojevich present for any of those  
10 conversations?

11 A I believe he was.

12 q Do you recall any particular meetings with  
13 Defendant Blagojevich and Robert Blagojevich in  
14 which raising funds from Johnston was discussed?

:14AM

15 A Yes.

16 q In the first meeting, if you can recall, where  
17 did that one take place?

18 A At the campaign office.

19 q What were you doing at that meeting?

:15AM

20 A We were going through lists of potential donors  
21 and talking about how much we should be raising from  
22 certain donors and what action, steps, we should be  
23 taking for others.

:15AM

24 q Was Johnston discussed in the course of the  
25 meeting?

Monk - direct by Niewoehner

1255 - A

1 A Yes.

2 q What happened with reference to Johnston?

3 A Rod called John Johnston and had a conversation  
4 with him and asked him if he would make a donation.

:15AM

5 q Did you hear both sides of that conversation?

6 A No.

7 q Did you talk with Defendant Blagojevich after the  
8 call?

9 A Yes.

:15AM

10 q And did Defendant Blagojevich ask you to do  
11 anything?

12 A Yeah, in follow-up to the telephone conversation  
13 that he had with the Johnstons, he asked me to  
14 follow up with them and try and collect the donation  
15 that he had asked them for.

:16AM

16 q Did you understand that there was any particular  
17 amount of money you were trying to raise from  
18 Johnston?

19 A Yes, \$100,000.

:16AM

20 q And prior to this conversation, had you  
21 understood that Johnston had promised to give  
22 100,000 before that point?

23 A Not that I am aware, no.

:16AM

24 q I'm going to direct your attention now to the  
25 November of 2008.

Monk - direct by Niewoehner

1256 - A

1           was the Illinois legislature in session then?

2   A   Yes.

3   q   Did you talk with Johnston prior to this  
4   November 2008 legislative session?

5   A   Yes.

6   q   Did you talk more than once with Johnston?

7   A   Yes.

8   q   And generally speaking, in these conversations,  
9   what did you talk about with Johnston?

10   A   Strategy for getting the racetrack bill passed  
11   and fundraising.

12   q   And in reference to fundraising, generally  
13   speaking, what were you doing?

14   A   Trying to raise \$100,000 that Rod had talked  
15   about earlier.

16   q   Did you ever ask Johnston for a specific amount  
17   of money?

18   A   I -- I -- I may have, but I know that Rod had  
19   asked for \$100,000. I mean, there was never a  
20   question as to the amount.

21   q   Did Johnston ever promise you that on a certain  
22   date he was going to give you a certain amount of  
23   money?

24   A   Not on a certain date, no.

25   q   In the November 2008 session, did the Illinois

Monk - direct by Niewoehner

1257 - A

1 legislature consider any bills that would have  
2 extended the 2006 racetrack law?

3 A Yes.

4 q Was there a particular bill that dealt with that  
5 idea?

6 A Yes.

7 q Did you hear that bill referred to by different  
8 names?

9 A Yes.

10 q What names did you hear it referred to by?

11 A The Racetrack Bill and the Recapture Bill and  
12 sometimes it was referred to by its number.

13 q Did you understand what I'm talking about if I  
14 refer to it as the Racetrack Bill?

15 A Yes.

16 q What did you understand the Racetrack Bill would  
17 do?

18 A It would renew or extend the law from the law  
19 that was passed in May of 2006 for a 3-year period.

20 q Under this Racetrack Bill which entities were  
21 going to pay the money?

22 A The riverboat casinos.

23 q Which entities were going to receive the money?

24 A The horse racing industry.

25 q And, again, was this bill contemplating millions

Monk - direct by Niewoehner

1258 - A

1 of dollars of subsidies?

2 A Yes.

3 q Were John Johnston's racetracks going to benefit  
4 potentially from the Racetrack Bill?

5 A Yes.

6 q How would they benefit?

7 A The combined two racetracks were going to receive  
8 \$9,000 a day from the subsidy.

9 q Did you talk with Johnston about the Racetrack  
10 Bill that was being considered by the Illinois  
11 legislature by 2008?

12 A Yes.

13 q Did you have more than one conversation about  
14 that?

15 A Yes.

16 q What did Johnston indicate to you he wanted with  
17 respect to that Racetrack Bill?

18 MR. ADAM, JR.: Objection; foundation; some  
19 time frame.

20 BY MR. NIEWOEHRER:

21 q Were these conversations in the November 2008  
22 time frame?

23 A Yes.

24 q And, generally speaking, what did Johnston  
25 indicate he wanted to do with respect to the



Monk - direct by Niewoehner

1259 - A

1 Racetrack Bill?

2 A Convince the House and Senate to pass the bill  
3 and ultimately get it signed by the Governor.

4 Q If the Illinois legislature pass the Racetrack  
5 Bill, what would happen to it?

6 A It would get sent to the Governor for signature.

7 Q What could Defendant Blagojevich do once he  
8 received the bill?

9 A Sign it, veto it, or mandatorily veto it.

10 Q If Defendant Blagojevich did nothing, what would  
11 happen?

12 A After a certain passage of time it would become  
13 law.

14 Q Now, did you have any concerns about fundraising  
15 from Johnston close in time when Defendant  
16 Blagojevich might have to make a decision about  
17 signing the Racetrack Bill?

18 A Yes.

19 Q What was your concern?

20 A That there would be an appearance of an exchange  
21 of signing the bill for campaign donations.

22 Q Why were you concerned about that appearance?

23 A If it was perceived that he was signing the bill  
24 in exchange for the campaign donation, it would be  
25 improper.

Monk - direct by Niewoehner

1260 - A

1 q Did you try to do anything to ensure that there  
2 would not be a problem in terms of the timing of the  
3 contribution?

4 A I was trying to get the contribution as quickly  
5 as I could so that there was more time in between  
6 the contribution and the signing of the bill.

7 MR. NIEWOEHRER: Your Honor, may we publish  
8 the call at tab 51, Transcript Binder 2?

9 THE COURT: Yes, you may.

10 BY MR. NIEWOEHRER:

11 q Are you there, Mr. Monk?

12 A Yes. Yes.

13 (Tape played).

14 BY MR. NIEWOEHRER:

15 q Mr. Monk, I'm going to turn your attention to the  
16 first page of the transcript.

17 A Yes.

18 q And you're still on tab 51, is that right?

19 A Yes.

20 q The date of this call is November 12th of 2008,  
21 is that correct?

22 A Yes.

23 q Was the November 2008 legislative session going  
24 on at that point in time?

25 A Yes.

Monk - direct by Niewoehner

1261 - A

1 q Now, down at line 10, page 1, Robert Blagojevich  
2 says:

3 "... how's your dad?"

4 And you respond:

5 "... he's, you know, he's fine."

6 what were you discussing with Robert  
7 Blagojevich at that point.

8 A The status of my dad's eyesight.

9 q And, in fact, what was the situation with your  
10 father's physical situation at that point?

11 A Physically he was -- he was okay. He was dealing  
12 with the onset of dementia and potentially  
13 Alzheimer's.

14 q And on line 11 you indicated:

15 "... I ended up staying longer than I wanted  
16 to."

17 what were you referring to there?

18 A That I was telling Rob that I stayed a couple of  
19 extra days in California than I originally planned.

20 q Had you actually gone to California as you were  
21 describing when you said that?

22 A Yes.

23 q Had you gone to California as long as you  
24 indicated to Robert Blagojevich?

25 A No.

Monk - direct by Niewoehner

1262 - A

1 q why were you telling Robert Blagojevich you'd  
2 stayed in California longer than you actually had?

3 A Because I had been slow in returning some of his  
4 calls and it was just easy to say one of the reasons  
5 I did that is because I stayed a couple of extra  
6 days to deal with my dad.

7 q So why were you not telling Robert Blagojevich  
8 the truth about where you were?

9 A Because I didn't want to have to deal with  
10 fundraising for that -- for those couple of days.

11 q What did you think was going to happen if you  
12 remained -- if Robert Blagojevich knew you were  
13 going to be in the Chicago area during that time  
14 frame?

15 A We would be having discussions about fundraising,  
16 and the status of my fundraising efforts, and where  
17 I was on collecting certain amounts from donors.

18 q At times, did you feel pressured from Robert  
19 Blagojevich to raise funds?

20 A Yes.

21 q How did you feel pressured?

22 A Well, I know he was -- he'd call me to find out  
23 the status because I know he was talking to Rod  
24 about it and Rod was talking to him about how's Lon  
25 doing, and that type of thing.

1 q Did you also feel at times pressure from  
2 Defendant Blagojevich to raise funds?

3 A Yes.

4 q At times did you lie to Defendant Blagojevich  
5 about where you were because of that pressure?

6 A Yes.

7 q I'm going to turn your attention back to Page 2  
8 of the transcript, and on line 20 you indicate:

9 "... I saw John Johnston on Friday of last week  
10 and I gave him a deadline of today."

11 what were you indicating to Robert  
12 Blagojevich at that point in the conversation?

13 A That I'd seen him on Friday and that I had told  
14 John Johnston that he needed to get his money in by  
15 today.

16 q Had you actually given Johnson a deadline of  
17 providing a contribution?

18 A I don't think I gave him a specific deadline, but  
19 I told him that we needed to have the money soon  
20 because it was getting to a timing issue.

21 q why did you indicate Defendant Blagojevich that  
22 you gave John Johnston a deadline?

23 A To portray that I was being more aggressive than  
24 I really was in terms of fundraising.

25 q why did you want Robert Blagojevich to think you

Monk - direct by Niewoehner

1264 - A

1 were more aggressive than you actually were?

2 A It sounded better that I was putting more  
3 pressure on the Johnstons to fundraise and other  
4 donors than I really was. I was giving he and Rod  
5 more of a sense that more was getting done than  
6 actually was.

7 q And did you have similar conversations with  
8 Defendant Blagojevich where you presented yourself  
9 as being more aggressive in fundraising than in fact  
10 you were?

11 A Yes.

12 q Why did you do that?

13 A For the same reason, that I wanted to -- I wanted  
14 them to think I was being more aggressive than I  
15 was.

16 q So when you said you gave Johnston a deadline, is  
17 that an example one of those times when you  
18 presented yourself as being more aggressive than in  
19 fact you were?

20 A Yeah, except in this particular instance I was  
21 letting John know that the sooner, the better, in  
22 terms of the timing. So I don't think I gave him a  
23 specific deadline, so it wasn't altogether a lie.

24 q Than if you turn to Page 3 -- actually, I'm  
25 sorry, to the very end of Page 2, on line 27, you

Monk - direct by Niewoehner

1265 - A

1 indicated:

2 "... I'm on my way down to Springfield right  
3 now."

4 Do you see that?

:32AM

5 A Yes.

6 q Were you actually going to Springfield in that  
7 time period?

8 A I believe I was, yeah.

9 q Why were you going to Springfield?

:32AM

10 A To, I think, deal with the legislation in terms  
11 of trying to talk to certain legislatures about  
12 getting it passed, I May have had some other  
13 meetings down there.

14 q Turning your attention to pay 3 at line 4, when  
15 you said:

:33AM

16 "... what he said on Friday is that I'm good for  
17 it, I'm good for it, I'm just trying to figure  
18 out the different sources to get it."

19 What were you referring to there?

:33AM

20 A I was referring to a conversation that I had with  
21 John Johnston and his response to me asking the  
22 status of the donation and timing of the donation.

23 q And at line 7 you say:

:33AM

24 "... I said Johnson, you've been telling this to  
25 me for six months."

Monk - direct by Niewoehner

1266 - A

1 Did you actually say that to John Johnston?

2 A No.

3 Q Had, in fact, you've been telling John Johnston  
4 that he should make a contribution for six months at  
5 that point?

6 A I don't think I'd been dealing with him that long  
7 on the specific \$100,000.

8 Q So why did you say that to Robert Blagojevich?

9 A Embellishing, exaggerating, lying about my  
10 aggressiveness with my conversations with John.

11 Q On line 18 you say:

12 "... I want to get down there, see what he has  
13 to say, but I may have to have Rod call him  
14 again."

15 What will were you indicating there?

16 A That once I got down to Springfield and talked to  
17 John about the status of the donation, if he didn't  
18 give me assurance that made be comfortable that  
19 \$100,000 was going to be coming in by the end of the  
20 year, I may ask Rod to call him again.

21 Q Why would you ask Defendant Blagojevich to call  
22 Johnson again?

23 A Because it's more significant for a potential  
24 donor to be hearing directly from a Governor than  
25 from me about a donation.



Monk - direct by Niewoehner

1267 - A

1 q would it put more pressure on the donor to give a  
2 contribution if Defendant Blagojevich was the one  
3 doing the asking?

4 MR. ADAM, JR.: Objection.

5 THE COURT: The objection is sustained.

6 BY MR. NIEWOEHNER:

7 q what did you understand the effect when you asked  
8 to -- or when you suggested to Robert Blagojevich  
9 that Defendant Blagojevich would be the one to make  
10 the call, what effect did you understand it would  
11 have on John Johnston if Defendant Blagojevich were  
12 to make the call?

13 A It would put more pressure on John Johnston to  
14 make the donation.

15 q At line 26, going on to line 29 you say:

16 "Because Rod called him about a month ago and  
17 asked him for the money."

18 what were you referring to there?

19 A The conversation that Rod originally had with  
20 John Johnston when he originally asked him for  
21 \$100,000.

22 q Turning to Page 4, at line 2, you discuss an  
23 individual named Niranjan Shah, do you see that?

24 A Yes.

25 q who is Niranjan Shah?

Monk - direct by Niewoehner

1268 - A

1 A He owns an engineering company here in Chicago,  
2 donor to the Governor, former client of mine.

3 Q Why were you discussing Niranjana Shah with Robert  
4 Blagojevich?

5 A Because he was going to host fundraisers for Rod  
6 before the end of the year.

7 Q And when you indicated that Niranjana Shah, on  
8 line 2, that Niranjana Shaw needed two days probably  
9 a cocktail party to get to his hundred, what were  
10 you referring to there?

11 A That he needed to be able to host a cocktail  
12 party and a dinner with a variety of people he was  
13 going to be asking money from for Rod.

14 Q How much money were you expecting to get from  
15 Niranjana Shah?

16 A At the time I believe \$100,000.

17 Q Turning your attention now to Page 5, at line 1,  
18 Robert Blagojevich says:

19 "... ah, anything with Krozel?"

20 Who did you understand Robert Blagojevich was  
21 referring to there?

22 A Jerry Krozel.

23 Q And in what context did you understand Robert  
24 Blagojevich was interested about Jerry Krozel?

25 A He wanted to get the status of the potential

1 donation from Jerry Krozel to Rod.

2 q At line 7 on Page 5, Robert Blagojevich  
3 indicates:

4 "So here are the follow-ups that I got ..."  
5 and it continues on line 10:

6 "... Johnston, Krozel, Niranjan Shah."

7 what did you understand Robert Blagojevich to  
8 you saying there?

9 A That in terms of donations to the campaign, those  
10 were the three individuals I was responsible for  
11 following up with.

12 q And at line 13 when Robert Blagojevich said:

13 "These to me are the big ticket items that would  
14 be great to be resolved."

15 what did you understand him to mean?

16 A That these were, in the context of fundraising at  
17 that time, these were big amounts of money that the  
18 campaign was expecting from these three individuals.

19 q And at line 20 when Robert Blagojevich indicated:

20 "... they raised a half million dollars for the  
21 reporting period so far."

22 what did you understand he was referring to?

23 A That from June 1st, 2008 to date they'd raised a  
24 half a million dollars.

25 q At lines 27 when Robert Blagojevich says:

Monk - direct by Niewoehner

1270 - A

1

2 "... you got nothing to do with Magoon, so I  
3 won't pass that on to you."

4 what did you understand Robert Blagojevich  
5 was referring to?

:38AM

6 A That he wasn't going to ask me for the status or  
7 ask me to follow up with Magoon and fundraising.

8 q who was Patrick Magoon?

9 A He was either head of or very high up at  
10 Children's Memorial Hospital.

:38AM

11 q Was that the individual who you understood Robert  
12 Blagojevich was discussing fundraising from  
13 Children's Memorial Hospital with?

14 A Yes.

:39AM

15 q If you could turn to Page 6, at line 2, Robert  
16 Blagojevich says:

17 "... you'll help us push, ah, you know, near  
18 that million dollars assuming Krozel comes in  
19 with some number ..."

:39AM

20 what did you understand Robert Blagojevich to  
21 be referring to there?

22 A That if Krozel came in with a big donation, that  
23 that would help get the campaign to the  
24 million-dollar mark for that reporting period.

:39AM

25 q And at that period of time, how much money did

Monk - direct by Niewoehner

1271 - A

1 Defendant Blagojevich instruct you to raise from  
2 Jerry Krozel?

3 A A half a million dollars.

4 Q At line 6 you say:

5 "... John Johnston is the one who is kinda  
6 pissing me off right now."

7 Do you see that?

8 A Yes.

9 Q Were you concerned about whether John Johnston  
10 was going to give a contribution at that point in  
11 time?

12 A Yeah.

13 Q At line 15 you say:

14 "... he kinda begged a little bit about, you  
15 know, the radar and all that stuff.

16 What did you mean there?

17 A That John Johnston was potentially concerned  
18 about making a donation to the campaign because of  
19 the investigation that we knew was going on with the  
20 campaign in the Governor's Office.

21 Q At line 23 when you said:

22 "... that's not going to shake them up but, you  
23 know, it shakes Andalcio up."

24 Who is Andalcio?

25 A David Andalcio was on the -- was a member of the

Monk - direct by Niewoehner

1272 - A

1 Tollway Highway Authority board.

2 q what were you referring to Robert Blagojevich  
3 when you said it shakes Andalcio up?

4 A I'd had a conversation previously with David  
5 Andalcio where he told me that he was --

6 MR. ADAM, JR.: Objection.

7 THE COURT: The objection is sustained.

8 BY MR. NIEWOEHRER:

9 q Had you spoken with David Andalcio prior to this  
10 conversation with Robert Blagojevich?

11 A Yes.

12 q Approximately when in this conversation did you  
13 have this conversation with Andalcio?

14 A Sometime within probably 3 or 4 weeks prior to  
15 this conversation.

16 q what did Andalcio indicate in that conversation?

17 MR. ADAM, JR.: Objection.

18 THE COURT: For what purpose are you offering  
19 this?

20 MR. NIEWOEHRER: I'm trying to explain the  
21 reference to Robert Blagojevich, explain the basis.

22 THE COURT: I don't see the relevance.

23 MR. NIEWOEHRER: Okay.

24 THE COURT: I'm sustaining the objection.

25 BY MR. NIEWOEHRER:

Monk - direct by Niewoehner

1273 - A

1 q So when you indicate at line 23:

2 "... that's not going to shake him up,"

3 what were you indicating in that particular

4 line?

5 A That even though John is expressing some concerns  
6 about potential investigations in his previous  
7 comment, that he's a pretty savvy guy and I don't  
8 think ultimately that's going to be a reason why he  
9 wouldn't give a deposition.

10 MR. NIEWOEHRER: Your Honor, at this time can  
11 I publish the call at tab 58, please?

12 THE COURT: Yes, you may.

13 (Tape played).

14 BY MR. NIEWOEHRER:

15 q If you could turn your attention to the first  
16 page of the transcript.

17 A Yes.

18 q Now, this call takes place on November 13, 2008,  
19 is that right?

20 A Yes.

21 q Is that the day prior to the call you just heard?

22 A Yes.

23 q And if you could turn your attention to Page 4,  
24 on Line 1 you say:

25 "... I saw John Johnston last night."

1 Do you see that?

2 A Yes.

3 q Had you spoken with John Johnston the prior  
4 night?

5 A It was either the prior afternoon or that night.

6 q And at line 3 you say:

7 "... I was expecting kind of a, you know, excuse  
8 of a conversation."

9 what did you mean when you said that?

10 A That he was going to give me the same or  
11 additional reasons why the donation wasn't  
12 forthcoming immediately.

13 q And at line 6 you continue saying:

14 "And he said go tell the big guy I'm going for  
15 it, I'm good, I, I'm just figuring out where  
16 check is from."

17 what were you referring to there?

18 A what John Johnston told me as far as the status  
19 of the donation.

20 q So based on your conversation with Johnston, what  
21 did you understand he was going to do?

22 A That he was going to get the donation to us and  
23 it was going to come from some different accounts at  
24 his company.

25 q Then on line 24 you said:



1 "... I'm going to see Rod tonight."

2 What were you referring to there?

3 A That I was going to either meet Rod or go with  
4 Rod to what turned out to be the basketball game at  
5 the United Center.

6 q On line 7 you continue:

7 "... and I want to talk to him about the timing  
8 because there is absolutely no connection  
9 between the two but there's a legislative issue  
10 down here that I don't want to get in the way."

11 What were you talking about at that point?

12 A I was talking about the timing of the potential  
13 signing of the bill and the timing of the donation.

14 q Now, did you actually want to talk to Defendant  
15 Blagojevich about that issue that night at the Bulls  
16 game?

17 A Yes.

18 q Did you have concern about the timing of the  
19 contribution at that point?

20 A Yes.

21 q What was that concern?

22 A That if the donation and the signing of the bill  
23 were too close in the time, that there would be a  
24 perception that one was being exchanged for the  
25 other.

1 q Had the Racetrack Bill actually passed through  
2 the Illinois legislature as of November 13th?

3 A No.

4 q So why did you want to talk to Defendant  
5 Blagojevich about the timing of the possible  
6 contribution and the possible signing of the  
7 Racetrack Bill?

8 A Because I thought there was a very good  
9 likelihood that it was going to pass and I wanted to  
10 get his opinion on how big an issue this was in  
11 terms of the timing of the donation versus the  
12 signing of the bill and see what his concerns were.

13 q At line 27 on Page 4 you say:

14 "... because there is absolutely no connection  
15 between the two."

16 what were you indicating to Robert  
17 Blagojevich at that point in time.

18 A I was trying to tell him that there was no  
19 connection between the legislative issue and the  
20 timing of the donation.

21 q At that point in time did you think there was a  
22 connection?

23 A Yeah, there could be.

24 q Why were you telling Robert Blagojevich that  
25 there would be no connection?

Monk - direct by Niewoehner

1277 - A

1 A Because I didn't -- I didn't want him to think  
2 that. And I had seen, you know, Rod kind of try and  
3 have discussions with Rob that did not include state  
4 action, try to keep him out of that -- that area.

:53AM

5 Q At that point were you concerned that Defendant  
6 Blagojevich was going to refuse to sign the  
7 Racetrack Bill unless there was a contribution made?

8 A No, I thought he would sign it if it passed.

:53AM

9 Q Why would you think Defendant Blagojevich was  
10 going to sign it?

11 A Because he had signed a similar bill -- in fact,  
12 there was an identical bill other than the term in  
13 2006, and he'd shown no indication when the topic  
14 had come up that he was against the bill.

:53AM

15 Q All right. Turning your attention back to Page 5  
16 of the transcript, at line 3 you indicated:

17 "... I felt there was a good chance I was going  
18 to have to have Rod call him, he does not need  
19 to do that."

:54AM

20 What were you referring to there?

:54AM

21 A The day before I had indicated to Rob that  
22 because I wasn't making the progress I had hoped to  
23 in collecting the donation from the John Johnstons  
24 that I was going to have to have Rod call the John  
25 Johnston and put some pressure on him, and based on

Monk - direct by Niewoehner

1278 - A

1 my conversation with John Johnston the previous day,  
2 I felt pretty good that the donation was going to  
3 come in so as a result Rod did not need to make the  
4 call.

:54AM

5 q Going down to line 21, Robert Blagojevich says:

6 "Anything on Krozel?"

7 And you respond:

8 "I want to do the same thing with Krozel that I  
9 did with Johnson."

:54AM

10 What were you referring to there?

11 A That, you know, if I -- if I felt like I wasn't  
12 making any progress in collecting a donation from  
13 Jerry Krozel, that I may have to have Rod call him  
14 again and do the same thing.

:55AM

15 q And, from your perspective, what would be the  
16 point of having Defendant Blagojevich call Krozel  
17 again?

18 A Puts more pressure on Krozel to fundraise than  
19 just hearing it from me.

:55AM

20 q Now, are you familiar with an individual named  
21 Paul Rosenfeld?

22 A Yes.

23 q Who is Paul Rosenfeld?

:55AM

24 A He is somebody who had worked on the campaign in  
25 2002, he's known Rod for quite a while, he's a

Monk - direct by Niewoehner

1279 - A

1 lobbyist and consultant and fundraiser.

2 q And you mentioned he was fundraiser. Over what  
3 time period did Rosenfeld raise money for Defendant  
4 Blagojevich?

5 A I'm not sure exactly when it started. I mean, it  
6 may have been 2002, but certainly after he became  
7 Governor he was a fundraiser.

8 q I'm going to direct your attention to the summer  
9 of 2008.

10 Did you have any conversation with Rosenfeld  
11 about law enforcement?

12 A Yes.

13 q Was anyone else present for that conversation?

14 A No.

15 q What did Rosenfeld tell you in that conversation?

16 MR. ADAM, JR.: Objection.

17 THE COURT: Purpose of this?

18 MR. NIEWOEHRER: The background for a  
19 conversation that Mr. Monk then had with Defendant  
20 Blagojevich.

21 THE COURT: He may answer.

22 BY THE WITNESS:

23 A Can you repeat the question?

24 BY MR. NIEWOEHRER:

25 q What did Rosenfeld tell you in that conversation?

Monk - direct by Niewoehner

1280 - A

1 A That the FBI had come to his house to talk to him  
2 and that he wasn't there, he was at a Cub game and  
3 that his wife had answered the door.

4 q Did Rosenfeld indicate whether he actually spoken  
5 with the government?

6 A No.

7 q After you talked with Rosenfeld, did you speak  
8 with Defendant Blagojevich?

9 A Yes.

10 q And about when in relation to your conversation  
11 with Rosenfeld?

12 A I think it was within a day or two.

13 q What did you say in your conversation with  
14 Defendant Blagojevich?

15 A I told him of my conversation with Rosenfeld.

16 MR. NIEWOEHRER: Your Honor, at this time can  
17 I publish the call at tab 59?

18 THE COURT: 59?

19 Yes, you may.

20 (Tape played.)

21 BY MR. NIEWOEHRER:

22 q Mr. Monk, turning your attention to Page 1, this  
23 conversation takes place on November 13th about  
24 10:05 a.m. is that right?

25 A Yes.

Monk - direct by Niewoehner

1281 - A

1 q Is that within minutes from the prior call you  
2 just heard?

3 A I need -- what's the previous tab?

4 q The tab is tab 58.

5 MR. ADAM, JR.: Objection, Your Honor. This  
6 witness was not a party to this conversation.

7 THE COURT: Overruled.

8 BY THE WITNESS:

9 A Yes.

10 BY MR. NIEWOEHRER:

11 q "Yes," is the answer, it was within minutes of  
12 the prior conversation?

13 A Yes.

14 q All right. Did you talk about attending a Bulls  
15 game on the evening of November 13th with Defendant  
16 Blagojevich, do you recall that?

17 A Yes.

18 q Did you, in fact, attend that event?

19 A Yes.

20 q Who else was there?

21 A Some people from Motorola, a guy named Marc  
22 Ganis.

23 q What did Defendant Blagojevich do at the game?

24 A He sat watching the game and talked to the  
25 president of Motorola for a large part of it, too.

Monk - direct by Niewoehner

1282 - A

1 q why were you present for the game?

2 A It wasn't unusual for him to have someone go to  
3 the game with him to, you know, potentially have  
4 someone to talk to and to follow up if there was a  
5 follow-up as a result of the meet with Motorola.

6 q Did you discuss John Johnston during the course  
7 of the evening with Defendant Blagojevich?

8 A Yes.

9 q what was discussed?

10 A I think I told him of my discussion with John  
11 Johnston the day before and I wanted to get his  
12 opinion on his concern for where the timing of the  
13 Johnston donation and the potential signing of the  
14 bill.

15 q what did Defendant Blagojevich -- did you raise  
16 that concern with Defendant Blagojevich?

17 A Yes.

18 q what did Defendant Blagojevich say about your  
19 concern about the timing?

20 A He didn't seem really concerned. He said get the  
21 money as soon as possible.

22 q I'm going to direct your attention back to the  
23 Racetrack Bill.

24 Did the legislature pass that bill in the  
25 November session?



Monk - direct by Niewoehner

1283 - A

1 A Yes.

2 MR. NIEWOEHNER: Your Honor, the government  
3 moves into evidence Government Exhibit 2008  
4 Racetrack Legislative History as a public document.

5 THE COURT: Admitted without objection.  
6 (Government's Exhibit 2008 Racetrack Legislative  
7 History was received in evidence.)

8 MR. NIEWOEHNER: May I approach and publish,  
9 Your Honor?

10 THE COURT: You may.  
11 (Exhibit published to the jury.)

12 THE COURT: You are going to blow up parts of  
13 that?

14 MR. NIEWOEHNER: We are.

15 THE COURT: Why don't you do that now.

16 BY MR. NIEWOEHNER:

17 Q I direct your attention to the top of the  
18 exhibit.

19 THE COURT: Stop for a second.

20 Can everybody see that?

21 Okay, go ahead.

22 BY MR. NIEWOEHNER:

23 Q Generally speaking, what does this exhibit show,  
24 Mr. Monk?

25 A The number of the bill, the name of the bill, and

Monk - direct by Niewoehner

1284 - A

1 it says the bill status.

2 q And does this exhibit generally just give the  
3 legislative history of that particular bill?

4 A Yes.

:08AM

5 q I'm going to direct your attention to the last  
6 page of the exhibit, and near the bottom of that  
7 legislative bill.

8 A Okay.

9 THE COURT: Can everybody see that number?

:08AM

10 The reason I ask is, sometimes with that  
11 screen it is difficult to see and one of the things  
12 we can do is we can dim the lights. So if you find  
13 yourself with difficulty seeing that, just tell the  
14 marshal and we'll try to fix it.

:08AM

15 BY MR. NIEWOEHRER:

16 q Mr. Monk, on the very top line of the portion  
17 that's blown up, what does that show?

18 A That on November 20th the bill passed both  
19 Houses.

:08AM

20 q Did the bill become law after it was passed by  
21 both Houses?

22 A No.

23 q What needed to happen next before the bill could  
24 become law?

:09AM

25 A It needed to be signed by the Governor.

Monk - direct by Niewoehner

1285 - A

1 q And after -- strike that.

2 MR. NIEWOEHRER: Your Honor, at this time can  
3 we publish the transcript at tab 68. We previously  
4 played the call, I would just like to fresh with the  
5 transcript.

6 THE COURT: Go ahead.

7 BY MR. NIEWOEHRER:

8 q Mr. Monk, if you could turn to tab 68.

9 Do you have tab 68, Mr. Monk?

10 A Yes.

11 q And that call takes place on November 20th at  
12 approximately 9:44 a.m. in the morning, is that  
13 correct?

14 A Yes.

15 q Had the bill passed as of 9:44 a.m. in the  
16 morning that day?

17 A No.

18 q And at line 11 do you see Defendant Blagojevich  
19 asks:

20 "... any updates on the John Johnstons?"

21 And you respond:

22 "Yeah, I just told Rob that I actually may  
23 think I may get a check today."

24 what were you indicating to Defendant  
25 Blagojevich at that point?

Monk - direct by Niewoehner

1286 - A

1 A That there was a chance I might get the donation  
2 from the Johnstons.

3 MR. NIEWOEHRER: Your Honor, may I publish  
4 the call at tab 70, please?

5 THE COURT: which tab?

6 MR. NIEWOEHRER: Tab 70.

7 THE COURT: You may.

8 (Tape played)

9 BY MR. NIEWOEHRER:

10 q Now, Mr. Monk, turning your attention to the  
11 first page of the transcript, this call takes place  
12 on November 20th at 9:37 in the evening, is that  
13 correct?

14 A Yes.

15 MR. NIEWOEHRER: Your Honor, may we publish  
16 the call at 73?

17 THE COURT: You may.

18 (Tape played).

19 BY MR. NIEWOEHRER:

20 q So, Mr. Monk, turning your attention to the first  
21 page of the exhibit, this call takes place on  
22 November 22nd around 10:54 a.m., is that right?

23 A Yes.

24 q It indicates you actually called on a home line,  
25 do you see that?

Monk - direct by Niewoehner

1287 - A

1 Up at the top on the activity line it  
2 indicates phone line.

3 A Yes.

4 q Do you recall the phone number you used on this  
5 call?

6 A Yes.

7 q What was it?

8 A 773 588-9475.

9 q And where did that phone number connect to?

10 A His home.

11 q In this time period, is that the number that you  
12 primarily used to speak to Defendant Blagojevich?

13 A Yes.

14 q And you used that number in the past, as well?

15 A Yes.

16 q Why did you use that particular phone line to try  
17 to speak with Defendant Blagojevich?

18 A That's the line that he typically used and would  
19 pick up.

20 q And did this house have another phone line?

21 A Yes.

22 q Did you typically use that phone line when you  
23 wanted to speak with Defendant Blagojevich?

24 A No.

25 q Why not?

Monk - direct by Niewoehner

1288 - A

1 A Because the other line was more -- I think he was  
2 a little more skeptical of picking it up, it would  
3 be more uncertain as to who was at the other line.

4 q Turning your attention to Page 2, at line 7,  
5 Defendant Blagojevich says:

6 "... you didn't see Krozel yesterday because you  
7 were sick, right."

8 A Yes.

9 q Who did you understand he was referring to?

10 A Jerry Krozel.

11 q And, in fact, had you been sick the prior day?

12 A Yes.

13 q But you talked about seeing him on line 9 at 2:00  
14 o'clock on Monday, is that correct?

15 A Yes.

16 q And then at line 11 Defendant Blagojevich says:  
17 "what about the Johnstons?"

18 Who did you understand Defendant Blagojevich  
19 was inquiring at that point?

20 A What was the status of collecting the \$100,000  
21 from the Johnstons.

22 q And at line 25 when Defendant Blagojevich says:  
23 "He knows by the end of the year, he knows."

24 What did you understand Defendant Blagojevich  
25 to mean?

Monk - direct by Niewoehner

1289 - A

1 A That I communicated to the Johnstons and the  
2 Johnstons knew that we wanted the money by the end  
3 of the year.

4 q Then line 30 you indicate:

5 "... I do have a call on Reinsdorf."

6 Do you see that?

7 A Yes.

8 q Who are you referring to there?

9 A Jerry Reinsdorf.

10 q Who is Jerry Reinsdorf?

11 A He's the owner of the Chicago White Sox and  
12 Chicago Bulls.

13 q And Page 3, at line 2, when you say "for 50,"  
14 what were you indicating there?

15 A That I was going to ask Jerry Reinsdorf for  
16 \$50,000 by the end of the year.

17 q For who?

18 A For Rod.

19 q As a campaign contribution?

20 A As a campaign contribution, fundraising.

21 q Now, at some point after the Racetrack Bill was  
22 passed by the Illinois legislature, was the bill  
23 sent to Defendant Blagojevich for possible  
24 signature?

25 A Yes.

Monk - direct by Niewoehner

1290 - A

1 MR. NIEWOEHNER: Your Honor, may I publish  
2 Government Exhibit 2008 Legislative History?

3 THE COURT: You may.

4 (Exhibit published to the jury.)

5 BY MR. NIEWOEHNER:

6 q And, again, I'm going to direct your attention to  
7 the back page of the exhibit and direct your  
8 attention to the line that says "November 24, 2008,"  
9 do you see that line?

10 A Yes.

11 q What does that line indicate?

12 A That the bill was sent to the Governor for  
13 action.

14 q Could Defendant Blagojevich just signed the bill  
15 before it was sent to him?

16 A I don't believe so.

17 q And after the bill was sent to him, could he have  
18 signed the bill into law immediately?

19 A Yes.

20 q So as of November 24th, 2008, if Defendant  
21 Blagojevich had signed the bill, would it become  
22 law?

23 A Yes.

24 q Now, in reference to the 206 racetrack law, you  
25 testified previously you didn't see a significant



Monk - direct by Niewoehner

1291 - A

1 difference between the 2006 racetrack law and the  
2 2008 Racetrack Bill except for the length of years,  
3 is that correct?

4 A Yes.

5 MR. NIEWOEHRER: Your Honor, the government  
6 moves into evidence Government Exhibit 2006  
7 Racetrack Legislative History as a public record.

8 THE COURT: Admitted.

9 (Government's Exhibit 2006 Racetrack Legislative  
10 History was received in evidence.)

11 MR. NIEWOEHRER: May I approach and publish,  
12 Your Honor?

13 THE COURT: You may.

14 (Exhibit published to the jury.)

15 BY MR. NIEWOEHRER:

16 Q And focusing at the very top of this exhibit,  
17 generally speaking, what does this exhibit show?

18 A The legislative history of the 2006 Racetrack  
19 Bill.

20 Q And I'd like to direct your attention to the back  
21 page of that exhibit, and starting in the top line,  
22 what date was the 2006 Racetrack Bill originally  
23 passed by the Illinois legislature?

24 A May 4th, 2006.

25 Q What does the line below that show?

Monk - direct by Niewoehner

1292 - A

1 A That on May 25th the bill was sent to the  
2 Governor.

3 q And upon what date did Defendant Blagojevich sign  
4 that bill?

5 A On May 26th.

6 q So what day did that bill become law?

7 A May 26, 2006.

8 MR. NIEWOEHNER: Your Honor, may I publish  
9 the call at tab 74?

10 THE COURT: Yes, you may, and we will break  
11 after this.

12 MR. NIEWOEHNER: Thank you, Your Honor.

13 THE MARSHAL: All rise.

14 THE COURT: No, no, too soon.

15 (Tape played).

16 THE COURT: Now.

17 THE MARSHAL: All rise.

18 (The following proceedings were had out of the  
19 presence of the jury in open court:)

20 THE COURT: Be seated in the courtroom.

21 Counsel, approach the lectern.

22 Two matters that I want to put on the record.

23 First, I was informed by my clerks and later  
24 informed by counsel that a story appeared today in  
25 one of the media about a prospective juror who did

1 not serve indicating that a person currently sitting  
2 on the jury overheard other potential jurors  
3 speaking about -- well, I will quote from the  
4 article. This deals with potential juror 169 who  
5 initiated the contact:

6 "... Hallstrom said the potential jurors  
7 referenced news coverage involving how Zage1  
8 'smacked down' one potential juror who was  
9 trying to get out of service.  
10 I distinctly remember that being discussed. I  
11 don't know that I remember anything else being  
12 talked about, Maybe there were almost half a  
13 dozen people having that conversation, Maybe it  
14 was four.  
15 One of the people in the room, a female, is now  
16 on the panel, he said. That woman was not  
17 taking part in the discussion with others but  
18 was present, according to Hallstrom."

19 It's my understanding from a very brief off  
20 the record conversation that there is no need to go  
21 further with this considering the substance of what  
22 it was that was discussed. I just wanted to put  
23 that on the record.

24 There are other things about the story that  
25 indicated some lack of understanding on the part of

1 the prospective juror as to the status, but it's of  
2 no material here. So that's on the record.

3 The second thing is, I received a letter from  
4 Assistant General Counsel of the Tribune, and I note  
5 the record will say with a tone of irony and humor,  
6 I received this from Assistant General Counsel which  
7 may mean it's not that important, raising the issue  
8 of my not permitting distribution of copies of the  
9 recordings and transcripts after they're admitted  
10 and stating that no reporter can recall any such  
11 restrictions being imposed upon the release of  
12 evidence.

13 Actually, when I thought about this, I tried  
14 to recall what I did with respect to the Family  
15 Secrets case. I thought in the Family Secrets case  
16 I might have released them before cross-examination,  
17 I don't remember, but I'm willing to consider doing  
18 that since the anonymity of the jury seemed to hold  
19 up. So counsel can express their views on this in  
20 writing to me sometime before noon tomorrow.

21 That's it.

22 MR. ADAM, JR.: What time, Your Honor?

23 THE COURT: Before noon tomorrow.

24 MR. ADAM, JR.: No, for the break?

25 THE COURT: Oh, for the break. A different

Monk - direct by Niewoehner

1295 - A

1 question. we'll resume again at 11:45 and we will  
2 go for no more than 45 minutes from that time.

3 (Recess.)

4 THE CLERK: All rise.

5 (The following proceedings were had in the  
6 presence of the jury in open court:)

7 THE COURT: Please be seated.

8 You may resume.

9 MR. NIEWOEHRER: Your Honor, may I publish  
10 the call at tab 74?

11 THE COURT: You may.

12 (Tape played)

13 BY MR. NIEWOEHRER:

14 q Mr. Monk, looking at Page 1 of tab 74, the date  
15 and time of that call is November 24, 2008, do you  
16 see that?

17 A Yes.

18 q Was that the date that the Racetrack Bill was  
19 actually sent to the Governor so he could possibly  
20 sign it?

21 A Yes.

22 q And on line 18, on Page 1, you say:

23 "... I pressed Johnny again today."

24 Who were you referring to there?

25 A John Johnston.

1 q And you continue to say:

2 "... he said I want to do something with Gupta."

3 Who was Gupta?

4 A David Gupta is a local businessman who owns his  
5 own company in Chicago. He's been a donor in the  
6 past to the Governor and Johnston was talking about  
7 doing a fundraiser with Gupta or being included in  
8 Gupta's fundraiser.

9 q And on line 20 -- or on line 19 and 20, you said:

10 "I said no, I need you to do them separately."

11 Did you want Johnston to do a fundraiser with  
12 David Gupta?

13 A No.

14 q Why not?

15 A Because I wasn't positive about David Gupta  
16 hosting a fundraiser and I didn't want there to be  
17 another issue for delaying a donation from the  
18 Johnstons.

19 q Turning your attention to Page 2, line 9, you  
20 say:

21 "... then I met with Jerry Krozel."

22 Had you, in fact, met with Jerry Krozel?

23 A Yes.

24 q And you continue on line 10 to say:

25 "... and he goes, I'm working on it, everything

1 looks like it's moving forward."

2 what were you referring to there?

3 A His efforts to fundraise for the Governor.

4 q And at line 13 you indicate:

5 "... I'm not going to be able to come close to  
6 that number but I'm working really hard on it."

7 what were you indicating to Defendant  
8 Blagojevich there.

9 A That I was telling him that Krozel was not going  
10 to be able to come close to the half million dollars  
11 that I had talked to Rob and Rod about earlier in  
12 terms of fundraising for the Governor.

13 q Now, had you actually talked to Jerry Krozel  
14 about that 500-thousand-dollar number?

15 A No.

16 q So when you said, "I'm not going to be able to  
17 come close to that number," did Jerry Krozel  
18 actually say those words?

19 A No.

20 q what were you doing in that instance with  
21 Defendant Blagojevich?

22 A Lowering expectation and preparing him to the  
23 fact that the road builders were not going to come  
24 in with half a million-dollars.

25 q And on Page 3 of the transcript at line 10,

1 Defendant Blagojevich says:

2 "... they'll do more than a hundred, won't they?  
3 Those, those guys."

4 what did you understand Defendant Blagojevich  
5 to be saying there?

6 A He is saying whether Jerry Krozel and the road  
7 builders would raise at least \$100,000.

8 Q And in response at line 12 you said:

9 "... I think so, but it's a little painful  
10 talking to him."

11 what are you indicating there?

12 A That they may come in at over \$100,000 but that,  
13 you know, it's tough talking to Jerry Krozel about  
14 it.

15 Q Why was it tough talking to Jerry Krozel about  
16 it?

17 A Because the conversations tend to be long, they  
18 sometimes get off point, that's what I mean.

19 Q All right.

20 Now, turning aside the binder for a moment.

21 Did you talk with Johnston about the  
22 Racetrack Bill after it was sent to Defendant  
23 Blagojevich for possible signature?

24 A Yes.

25 Q And did you have more than one conversation with



Monk - direct by Niewoehner

1299 - A

1 Johnston after that event took place?

2 A Yes.

3 q And in relation to when the bill was sent,  
4 November 24th, when were you having those  
5 conversations with Johnston?

6 A After the bill was sent to the Governor.

7 q And what time frame?

8 A 2 weeks, a little over 2 weeks.

9 q And, in fact, were they -- in terms of how soon  
10 did you start having those conversations after the  
11 bill was sent?

12 A I can't remember specifically but soon, soon  
13 after.

14 q In those conversations soon after the bill was  
15 sent to Defendant Blagojevich, what did Johnston  
16 indicate he wanted you to do, generally?

17 A Get Rod to sign the bill.

18 q And how soon did Johnston indicate he wanted the  
19 bill signed?

20 A As soon as possible.

21 q Did he indicate why he wanted this signed as soon  
22 as possible?

23 A Yes.

24 q Why was that?

25 A The racing industry, and he specifically, were

Monk - direct by Niewoehner

1300 - A

1 losing money every day that the bill wasn't signed.

2 Q What did you indicate to Johnston you would do?

3 A Try and prevail upon Rod to sign it as soon as  
4 possible.

:58AM

5 MR. NIEWOEHRER: Your Honor, may we publish  
6 the call at tab 75?

7 THE COURT: Yes.

8 (Tape played).

:00PM

9 MR. NIEWOEHRER: Your Honor, may I publish  
10 the call at tab 76?

11 THE COURT: Yes.

12 (Tape played).

13 BY MR. NIEWOEHRER:

:02PM

14 Q Mr. Monk, this call takes place on November 26th  
15 at around 12:19 p.m., do you see that?

16 A Yes.

17 Q And in relation to Thanksgiving, is this call  
18 near Thanksgiving?

19 A Yeah, I think it's the day before.

:03PM

20 Q And if you go to Page 2, on line 6, you say:

21 "I just followed up with John on the Recapture  
22 Bill."

23 Who is John?

24 A John Harris.

:03PM

25 Q And what was John Harris' position?

Monk - direct by Niewoehner

1301 - A

1 A He was the Chief of Staff of the Governor at the  
2 time.

3 q Had you, in fact, spoken with John Harris about  
4 the Racetrack Bill prior to this call?

5 A Yes.

6 q About when?

7 A I think that day.

8 q And did you talk to him in person or on the  
9 phone?

10 A On the phone.

11 q Who had brought up the topic of the Racetrack  
12 Bill?

13 A I did.

14 q Why did you want to talk to Harris about the  
15 Racetrack Bill?

16 A I wanted from his perspective get a status on  
17 when he thought the bill was going to be signed, if  
18 and when it was going to be signed, and in that  
19 conversation if the opportunity presented itself try  
20 and get him to do something proactive.

21 q What did Harris tell you about the status of the  
22 Racetrack Bill?

23 A That he wasn't sure why it hadn't been signed to  
24 date and he speculated why it might not have been --

25 (Cellular phone interruption.)

Monk - direct by Niewoehner

1302 - A

1 THE COURT: Stop.

2 (Brief pause)

3 BY MR. NIEWOEHNER:

4 Q What did Harris speculate?

:04PM 5 MR. ADAM, JR.: Objection.

6 THE COURT: For what are you offering this?

7 MR. NIEWOEHNER: I'm sorry, Your Honor, I  
8 didn't hear you.

:04PM 9 THE COURT: For what purpose are you offering  
10 this?

11 MR. NIEWOEHNER: Because this conversation  
12 with Harris then gets discussed with Defendant  
13 Blagojevich, so it informs.

14 THE COURT: For that purpose, it's admitted.

:05PM 15 BY MR. NIEWOEHNER:

16 Q So what did Harris indicate in his speculation?

17 A That potentially it hadn't been signed yet  
18 because the Governor was waiting for a number of  
19 other bills to get to his desk so that he could sign  
20 them all together.

:05PM

21 Q From what Harris said, did you understand  
22 Defendant Blagojevich was going to sign the  
23 Racetrack Bill?

24 A I'm sorry, can you repeat the question?

:05PM

25 Q From what Harris said, did Harris indicate that

Monk - direct by Niewoehner

1303 - A

1 the Defendant Blagojevich was now not going to sign  
2 the bill?

3 A No, but there was concern in his voice because he  
4 didn't understand why it hadn't been signed yet. So  
5 I don't -- I don't know that John was intensely  
6 worried about it not getting signed, but he was just  
7 expressing he didn't understand why it hadn't been  
8 signed yet.

9 Q Now, when you had been Chief of Staff to  
10 Defendant Blagojevich, had you participated in  
11 decisions as to when to sign bills?

12 A From time to time.

13 Q Did you have some experience with the factors  
14 that Defendant Blagojevich considered when making  
15 the decision as to when to sign a bill?

16 A Yes.

17 Q Were there times that Defendant Blagojevich  
18 waited to sign a bill before he signed other bills  
19 at the same time?

20 A Yes.

21 Q Why did you understand Defendant Blagojevich did  
22 that?

23 A Because some bills that he was going to sign into  
24 law were controversial and he might not want the  
25 focus to be on that one bill when he signs it and if

Monk - direct by Niewoehner

1304 - A

1 he signed it with a number of other bills that were  
2 less controversial there might not be any  
3 controversy regarding the signing of one  
4 controversial bill.

:06PM

5 q Did you think that any of that reasoning applied  
6 to the 2008 Racetrack Bill?

7 MR. ADAM, JR.: Objection; basis of  
8 knowledge.

9 MR. NIEWOEHRER: I'll rephrase, Your Honor.

:07PM

10 BY MR. NIEWOEHRER:

11 q From your perspective, was there any reason that  
12 the Racetrack Bill in 2008 needed to wait because it  
13 was a controversial measure?

14 A No.

:07PM

15 q Why not?

16 A Because this is -- this bill encompassed a law  
17 that had been in effect since May 2006. It was just  
18 a continuation of that law, so there wasn't anything  
19 really controversial about it.

:07PM

20 q Did you think that Harris's speculation that  
21 Defendant Blagojevich was waiting to sign a  
22 Racetrack Bill made sense?

23 A No.

:07PM

24 q Did you tell Harris you were going to do  
25 anything?

Monk - direct by Niewoehner

1305 - A

1 A Yeah, I told him that I was going to call Rod and  
2 talk to him about it.

3 Q Why did you want to call Defendant Blagojevich?

4 A To see if I could push him to try to get the bill  
5 signed and find out why it wasn't being signed.

6 Q Were you concerned at this point as to why this  
7 bill was not being signed?

8 A Yeah.

9 Q Now, going back to the call at line 6 when you  
10 say:

11 "... I just followed up with John on the  
12 Recapture Bill."

13 What was were you referring to there?

14 A My conversation with John Harris wherein we  
15 talked about when he thought the bill was going to  
16 get signed.

17 Q And at line 11 Defendant Blagojevich responds:

18 "... I'm not struggling with it."

19 What did you understand he to be saying there?

20 A That he eventually will sign the bill.

21 Q When Defendant Blagojevich said:

22 "... it's a timing issue, that's all."

23 Did you understand what Defendant Blagojevich  
24 meant?

25 A Not specifically at that time, no.

Monk - direct by Niewoehner

1306 - A

1 q At line 14 when you said:

2 "... just so you know, all these guys are just  
3 now breathing down my neck."

4 what did you mean?

:09PM

5 A That John Johnston and a couple of other people  
6 who were interested in having this bill signed were  
7 calling me up and finding out what the status of  
8 getting it signed was and in some cases asking why  
9 it hadn't been signed.

:09PM

10 q All right, on line 23 Defendant Blagojevich says:

11 "... I'll be back wednesday because I got to be  
12 in Philadelphia for this Governor's, ah,  
13 President Obama."

14 what did you understand Defendant Blagojevich  
15 was indicating there?

:09PM

16 A That he is going out of town to Philadelphia for  
17 a Governor's conference or meeting and that he'd be  
18 back on wednesday, the following week.

19 q And if you turn the page to Page 3, at line 4,  
20 you indicate:

:09PM

21 "... I'm going to see you at 3:00 o'clock on  
22 wednesday at the campaign office."

23 what were you indicating there?

:10PM

24 A That we were going to have a meeting at 3:00  
25 o'clock on wednesday at the campaign office.



Monk - direct by Niewoehner

1307 - A

1 q Had you already planned to have that meeting?

2 A Yes.

3 q And going on to line 8 you say:

4 "... you're not going to do anything before  
5 that."

6 What were you indicating there?

7 A I was trying to find out whether he's going to  
8 potentially sign the bill before that Wednesday  
9 meeting.

10 q Did you want Defendant Blagojevich to wait a week  
11 to sign -- before potentially to sign the bill?

12 A No.

13 q Why not?

14 A Because I was -- pressure was being brought to  
15 bear on me by Johnston and others to get this bill  
16 signed as soon as possible and this would relieve  
17 that pressure.

18 q On line 10 Defendant Blagojevich says:

19 "There's no negatives, you know, you got nothing  
20 to worry about."

21 What did you understand Defendant Blagojevich  
22 to mean there

23 A That, you know, stop worrying, the bill is going  
24 to get signed.

25 q At that point were you concerned about whether

Monk - direct by Niewoehner

1308 - A

1 Defendant Blagojevich was going to sign the bill or  
2 not?

3 A No, I was worried about the timing of the  
4 signing.

5 q And at line 14 when you said:

6 "... you know, it's now just a timing issue for  
7 me."

8 what were you indicating?

9 A That the sooner it gets signed, the better it is  
10 for me.

11 q And turning to Page 4, when Defendant Blagojevich  
12 said:

13 "... I'll talk to you about your thing, but the,  
14 the, nothing bad's going to happen, okay."

15 what did you understand Defendant Blagojevich  
16 to mean there.

17 A That he was not going -- that the bill was going  
18 to be signed, he was not going to veto it and he was  
19 going to talk to me that following Wednesday about  
20 it.

21 q Again, at that point were you concerned about  
22 whether the bill was going to get signed or not?

23 A Not really, no.

24 q Did Defendant Blagojevich explain to you in this  
25 call why he was not signing the Racetrack Bill at

Monk - direct by Niewoehner

1309 - A

1 that time?

2 A No.

3 MR. NIEWOEHRER: Your Honor, may I play the  
4 call at tab 79?

5 THE COURT: Yes.

6 (Tape played).

7 BY MR. NIEWOEHRER:

8 Q If you could turn to Page 1, Mr. Monk, this call  
9 is dated December 2nd of 2008, do you see that?

10 A Yes.

11 Q And is this day -- excuse me.

12 In line 5 on the call Johnston indicates:

13 "... Billy was asking, asking yesterday, he was  
14 asking about that bill."

15 what did you understand Johnston to be saying  
16 there?

17 A That his father was asking him about the status  
18 of the bill getting signed.

19 Q Who is Johnston's father?

20 A Billy Johnston.

21 Q What relationship is Billy Johnston to the  
22 Racetrack Bill?

23 A An owner.

24 Q And at line you respond:

25 "... Rod returned my call last night about

Monk - direct by Niewoehner

1310 - A

1 10:30."

2 Had you spoken with Defendant Blagojevich the  
3 night before at about 10:30?

4 A I don't think so.

:15PM

5 q When was the last time you actually spoken to  
6 Defendant Blagojevich about the Racetrack Bill?

7 A I think that day before Thanksgiving.

8 q Was that the call that you heard a moment ago?

9 A Yes.

:15PM

10 q Why did you tell Johnston that you had spoken  
11 with Defendant Blagojevich the night before at  
12 10:30?

13 A I wanted him to think Rod and I were in more  
14 communication over this issue than we were and that  
15 I was being more proactive trying to get the bill  
16 signed.

:15PM

17 q So that wasn't a true statement, is that right?

18 A Right.

19 q And on line 11 you say:

:16PM

20 "... he said he wanted to talk to me tomorrow  
21 about the timing of it."

22 What were you indicating to Johnston there?

23 A That Rod wanted to talk to me about the timing of  
24 the signing of the bill the next day.

:16PM

25 q Had, in fact, Defendant Blagojevich indicated he

Monk - direct by Niewoehner

1311 - A

1 wanted to talk to you the next day about the signing  
2 of the bill?

3 A He indicated to me the previous week that he  
4 wanted to talk to me about the signing of the bill,  
5 he didn't that night.

6 q In fact, was the next day December 3rd?

7 A Yes.

8 q Is that when you were supposed to have a meeting  
9 with Defendant Blagojevich?

10 A Yes.

11 q And on line 13 -- excuse me, at line 17 you say:  
12 "... I pressed him on the time, he goes, look, I  
13 understand you got to get this done but I want  
14 to get to a couple of other bills that we're  
15 working on rights now."

16 Had Defendant Blagojevich indicated to you  
17 prior to this point that he was waiting on the  
18 Racetrack Bill because of other bills?

19 A No.

20 q who had done that?

21 A John Harris.

22 q why were you indicating to Johnston that  
23 Defendant Blagojevich was the one who was saying it?

24 A Because I felt like I needed to give him a reason  
25 why the bill hadn't been signed. That's the only

1 one that had been given to me.

2 q At that point did you think that that was the  
3 reason that the bill was not getting signed?

4 A Not really.

5 q And a line 20 when you said:

6 "... but we're going to get it done, you know."

7 what were you indicating there?

8 A That Rod had indicated to me in the previous week  
9 that the bill was going to get signed, don't worry  
10 about it.

11 q If we could turn your attention to the top of  
12 Page 2, line 1, you indicate:

13 "... he's coming back tonight from Philadelphia  
14 and I am scheduled to see him tomorrow at  
15 9:30."

16 what are you indicating there?

17 A That he was coming back tonight from Philadelphia  
18 and that I was scheduled to see him at the campaign  
19 office the next day.

20 q And at line 5 when Johnston says:

21 "... I just hit 83,000 a day and racing is 80,  
22 so 11 percent of that is our."

23 what did you understand Johnston to be saying?

24 A That the Recapture Bill would mean \$83,000 a day  
25 to the racing industry once the law went into

Monk - direct by Niewoehner

1313 - A

1 effect.

2 q And when --

3 A And that 11 percent of that 83,000 was going to  
4 be going to his group.

5 q And at line 11, you said:

6 "... how much of that a day you're losing right  
7 now by him not signing it?"

8 And Johnston responded:

9 "Our group is 9,000 a day."

10 What did you Johnston to mean?

11 A That his group was losing \$9,000 a day.

12 q And at line 18 when Johnston says:

13 "Just in the last six days, it's like 50 grand."

14 What did you understand Johnston to mean there?

15 A That for the last six days -- for the last  
16 six days because the law wasn't in effect, they lost  
17 \$50,000.

18 q Now, I'm going to direct your attention to  
19 December 3rd.

20 Did you meet with Defendant Blagojevich that  
21 day as you had originally planned?

22 A Yes.

23 q What was the purpose of that meeting?

24 A To talk about fundraising.

25 q Where did that meeting take place?

Monk - direct by Niewoehner

1314 - A

1 A At the campaign office.

2 q who was supposed to be present for the meeting?

3 A Me and Rod and Rob.

4 q When you went to the FOB offices that day, where  
5 did you go?

6 A Into the conference room.

7 MR. NIEWOEHRER: Your Honor, may I publish  
8 FOB office diagram?

9 THE COURT: You may.

10 (Exhibit published to the jury).

11 BY MR. NIEWOEHRER:

12 q And so looking at the office diagram, where did  
13 you go when you started the meeting?

14 A The room indicated by number 5.

15 q What was in that room?

16 A It's a conference room with a big conference  
17 table.

18 q Who was present at the start of the meeting?

19 A Rod and Rob.

20 q What did you start talking about when you started  
21 the meeting in the conference room?

22 A Going down the fundraising lists.

23 q Did you stay in the conference room for your  
24 entire meeting that day?

25 A No, very shortly after going into the conference



Monk - direct by Niewoehner

1315 - A

1 room, Rod told me he wanted to meet with me in his  
2 office.

3 q Where was Defendant Blagojevich's office?

4 A The room indicated by number 2.

:21PM

5 q And where did you go after Defendant Blagojevich  
6 indicated that?

7 A Into his office.

8 q Did Robert Blagojevich come along after that  
9 point?

:21PM

10 A No.

11 q Did Defendant Blagojevich explain to you at that  
12 point why he wanted to meet in his office?

13 A He said, "let's go down there, I want to talk to  
14 you about your issue."

:21PM

15 q When he said "I want to talk to you about your  
16 issue," what did you understand Defendant  
17 Blagojevich to mean?

18 A About the signing of this Racetrack Bill.

:22PM

19 q Did you understand -- or from what Defendant  
20 Blagojevich said, why did you understand he wanted  
21 you to go to his office to talk about that issue?

22 A We can discuss it privately.

23 q Privately from who?

24 A From Rob.

:22PM

25 q And, in fact, after Defendant Blagojevich said

Monk - direct by Niewoehner

1316 - A

1 that, where did you go?

2 A Into his office.

3 MR. NIEWOEHRER: Your Honor, I think the next  
4 call may go longer than you had sort of  
5 contemplated.

6 THE COURT: which is the next call?

7 MR. NIEWOEHRER: It's at tab 87. We can do  
8 that after the break, that would be --

9 THE COURT: How long is the duration of the  
10 call itself?

11 MR. NIEWOEHRER: Your Honor, I don't know. I  
12 think it may be approximately --

13 THE COURT: Give me a moment.

14 (Brief pause).

15 THE COURT: We'll break now. One hour.

16 THE MARSHAL: All rise.

17 (The following proceedings were had out of the  
18 presence of the jury in open court:)

19 THE COURT: All right, one hour.

20 (Luncheon recess taken from 12:24 o'clock p.m.  
21 to 1:35 o'clock p.m.)

22

23

24

25

Monk - direct by Niewoehner

1317 - A

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Government,

vs.

ROD BLAGOJEVICH,  
ROBERT BLAGOJEVICH,

Defendants.

No. 08 CR 888

Chicago, Illinois

June 14, 2010

1:35 o'clock p.m.

VOLUME 7

EXCERPT OF PROCEEDINGS  
BEFORE THE HONORABLE JAMES B. ZAGEL  
(Excerpt - Page numbers should not be  
cited in appellate record.)

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23  
24  
25 THE MARSHAL: All rise.

Monk - direct by Niewoehner

1319 - A

1 (The following proceedings were had in the  
2 presence of the jury in open court:)

3 THE COURT: Please be seated.

4 You may resume.

5 MR. SCHAR: Thank you, Your Honor.

6 LON MONK, GOVERNMENT WITNESS, PREVIOUSLY SWORN

7 DIRECT EXAMINATION (resumed)

8 BY MR. NIEWOEHNER:

9 q Mr. Monk, just before the break you were  
10 testifying about a meeting you had at the FOB  
11 offices, do you recall that?

12 A Yes.

13 q Do you recall you had originally walked in to the  
14 conference room and then from there you pointed out  
15 that you had gone with Defendant Blagojevich to his  
16 office, do you recall that?

17 A Yes.

18 MR. NIEWOEHNER: Your Honor, at this time can  
19 the government publish the call at tab 87?

20 THE COURT: You may.

21 (Tape played)

22 BY MR. NIEWOEHNER:

23 q Mr. Monk, if you could turn to the first page of  
24 the transcript.

25 Now, this transcript shows a conversation

Monk - direct by Niewoehner

1320 - A

1 starting at approximately 2:13 p.m. on December 3rd,  
2 is that right?

3 A Yes.

4 Q This is not a phone call, is that right?

5 A No.

6 Q At line 2 Defendant Blagojevich says "Mitola,"  
7 who did you understand Defendant Blagojevich was  
8 talking about at that point?

9 A John Mitola.

10 Q And Defendant Blagojevich goes on at line to say:  
11 "You going sister's wake?"

12 what did you understand Defendant Blagojevich  
13 was talking about there?

14 A He asked whether I was going to Mitola's sister's  
15 wake, she had recently passed away.

16 Q And then on line 8 and 10 and 12 you respond:  
17 "... going to Oklahoma tomorrow my dad's some  
18 army reunion."

19 Were you actually going to Oklahoma to see your  
20 father's reunion?

21 A No.

22 Q What were you doing?

23 A I was going down to the Dominican Republic and  
24 meeting some friends down there to play golf on a  
25 vacation.

Monk - direct by Niewoehner

1321 - A

1 q why did you tell Defendant Blagojevich you were  
2 going to Oklahoma?

3 A Because I didn't want to get into a discussion  
4 with him about where I was going. I had this  
5 experience with him before going and playing golf  
6 out of state and vacation and at that time he got  
7 angry because it was the same period of time when  
8 there was a big fundraising push going on at the end  
9 of '06, beginning of '07.

10 q So at this point in December of 2008, was this an  
11 important fundraising time?

12 A Yeah.

13 q And you were describing a prior occasion at the  
14 end of 2006 or 2007, is that what you said?

15 A End of 2006, beginning 2007.

16 q And on that occasion, had you gone on a trip?

17 A Yeah, I went down to Florida with John Filan and  
18 John Wyma to play golf for two or three days.

19 q Before you went on that trip, did you tell  
20 Defendant Blagojevich that you were going on that  
21 trip?

22 A No.

23 q What happened when you returned from that trip?

24 A He found out that we'd gone on the trip and he  
25 left a really angry message where he's yelling and

Monk - direct by Niewoehner

1322 - A

1 screaming on my phone, I think it was while I was  
2 flying back, as to, you know, why could I be going  
3 down on that trip during this period of time and,  
4 you know, he was angry.

:43PM 5 q Did you return that phone call?

6 A Yes.

7 q What happened when you returned the phone call?

:43PM 8 A We got into it, yelling and screaming matches as  
9 to whether I had the right to go down on a golf  
10 vacation or not.

11 q And returning to your December 3rd conversation  
12 at the FOB offices, was that prior experience  
13 related to why you told Defendant Blagojevich you  
14 were going to go to Oklahoma?

:44PM 15 A I wasn't going to get into a discussion with him  
16 about whether I could go on a golf trip or not.

17 q At line 14 on Page 1, Defendant Blagojevich says:  
18 "What have you got?"

19 And you responded:

:44PM 20 "So what do I tell him?"

21 What were you both referring to at this point?

22 A The signing of the Racetrack Bill and the  
23 donation from the Johnstons.

:44PM 24 q Had you had any conversation explicitly about the  
25 Racetrack Bill prior to this point?



1 A Not on that day.

2 Q And on line 8 you say:

3 "I want to have a more pointed conversation."

4 What did you mean at point, on that line?

5 A That I wanted to have a conversation with John  
6 and tell him why -- tell him that we wanted the  
7 donation and why it wasn't -- the bill wasn't being  
8 signed.

9 Q After you indicated you wanted to have a pointed  
10 conversation with Johnston, what did you and  
11 Defendant Blagojevich then do?

12 A We started preparing for a potential conversation  
13 that I would have with Johnston in terms of trying  
14 to get the donation from him.

15 Q So at line 21 when you say:

16 "Say look, he's, he's concerned about signing  
17 the bill."

18 Was that part of this possible conversation you  
19 were going to have with Johnston?

20 A Yeah, that's me -- that's me talking about --  
21 talking to Johnston in a potential conversation.

22 Q So what were you indicating you might say to  
23 Johnston in this possible conversation?

24 A That I would tell Johnston that Rod was concerned  
25 about signing the bill and then all of a sudden you

Monk - direct by Niewoehner

1324 - A

1 give a donation and they would be too close in the  
2 time, people might perceive it as he's getting a  
3 donation for having signed the bill.

4 Q So in that first part at line 21 where he says:

5 "He's concerned about signing the bill."

6 What were you referring to right there?

7 A I'm talking about a potential conversation I  
8 would be having with John Johnston and I'm saying  
9 that he, Rod, is concerned about signing the bill.

10 Q And you keep going:

11 "But you got ..."

12 and on top of the next page:

13 "... you sign the bill and all of a sudden you  
14 guys are going to say ..."

15 What were you doing there?

16 A I was continuing with a potential conversation  
17 with John Johnston saying that Rod would sign the  
18 bill and all of a sudden you, John Johnston, are  
19 going to say, you know, wait a second, why would I  
20 want to give a donation right now, it's too close in  
21 time for the signing of the bill.

22 Q Would that have been a problem if John Johnston  
23 decided that he did not want to make a contribution  
24 at that time?

25 A Yeah.

Monk - direct by Niewoehner

1325 - A

1 q Now, line 3 Defendant Blagojevich says:

2 "Correct."

3 what did you understand Defendant Blagojevich  
4 was saying was correct.

:47PM

5 A He's agreeing with my potential conversation here  
6 with John Johnston.

7 q And then Defendant Blagojevich says at line 3:

8 "You know, all of a sudden you're going to give  
9 him a contribution, now we're concerned."

:47PM

10 what did you understand Defendant Blagojevich  
11 was doing there?

12 A He's saying -- he's -- he's telling me what I  
13 could be saying to John Johnston, that, you know:  
14 John, all of a sudden you're going to be giving Rod  
15 a contribution, now he and I are concerned.

:47PM

16 q And when you say "he and I," who did you mean?

17 A Rod and I were concerned.

18 q In fact, were you concerned if Johnston gave a  
19 contribution?

:48PM

20 A Immediately after signing the bill? Yeah, at  
21 this point, yeah.

22 q Now, in the line 6 you say:

23 "He's going to sign the bill and all of a sudden  
24 you're going to give a contribution."

:48PM

25 what are you doing there?

Monk - direct by Niewoehner

1326 - A

1 A I'm kind of repeating what I had earlier said and  
2 what Rod said right above that, in terms of a  
3 potential conversation I'd be having with John.

4 Q And on the next line you say:

5 "Yeah, I don't want to say that ..."

6 and you continue:

7 "... because then he's going to say you're  
8 right, we can't do it right now."

9 what were you indicating there?

10 A That I didn't actually want to go down that --  
11 that road, thinking about it, I didn't want to go  
12 down the road with Johnston, I didn't want to give  
13 him a reason not to give a contribution before the  
14 end of the year.

15 Q What reason did you think you would be giving him  
16 based on what was going on in the conversation?

17 A That Rod would sign the bill, and then all of a  
18 sudden the Johnstons would say, oh, wait a second,  
19 we can't give a contribution right now because it's  
20 going to look like we're making a contribution for  
21 the signature of the bill, we want to wait a while,  
22 we want some time to pass before we give that  
23 contribution. I didn't want to get into the  
24 discussion with Johnston, I didn't want to give him  
25 a reason for further delaying the contribution.

1 q And on line 13 when Defendant Blagojevich said  
2 "right," what did you understand him to mean?

3 A That he agreed with what I said.

4 q At line 15 when Defendant Blagojevich said:

5 "... you could say -- he could sign the bill  
6 right after the first of the year."

7 what did you understand Defendant Blagojevich  
8 was doing at that point?

9 A Suggesting that I tell John Johnston: Look, he  
10 can sign the bill right after the first of the year,  
11 give us the contribution right now, he can sign the  
12 bill after the first of the year, that'll be enough  
13 time that had passed.

14 q And then Defendant Blagojevich continues on line  
15 16:

16 "I think you could say that, he is going to sign  
17 all the bills, he is doing all, doing all the  
18 bills right."

19 what did you understand Defendant Blagojevich  
20 to be saying there?

21 A He is telling me what I could tell John Johnston  
22 in this discussion and he's saying: Look, I want to  
23 make sure, it's going to get signed, and it's going  
24 to be signed after the first of the year after, in  
25 conjunction with all those other bills getting

Monk - direct by Niewoehner

1328 - A

1 signed.

2 q Did you want Defendant Blagojevich to wait until  
3 after the first of the year to sign the Racetrack  
4 Bill?

5 A No.

6 q why not?

7 A Because every day that passed the Johnstons were  
8 going to be losing this \$9,000 a day, and the  
9 pressure that they were going to bring to bear on me  
10 to get Rod to sign this is going to increase every  
11 day.

12 q So what did you try to do next in the  
13 conversation?

14 A Redirect the conversation, to getting away from  
15 the notion of signing the bill after the first of  
16 the year.

17 q And at line 20 you say:

18 "Look, I want to go with him without crossing  
19 the line and say give us the f'ing money."

20 what were you indicating there?

21 A That, yeah, I was -- I was saying, you know, I  
22 want to go there without -- without trying to mix  
23 the two issues, the giving of the contribution and  
24 the signing of the bill and get the money from him.

25 q And then you continue at line 24 to say:

Monk - direct by Niewoehner

1329 - A

1 "Give us the money and one has nothing to do  
2 with the other, but give us the f'ing money."  
3 what were you suggesting there?

4 A That, again, this is a projected conversation  
5 that I'd be having with John Johnston and I would,  
6 you know, be trying to make him feel more  
7 comfortable with the discussion by saying one has  
8 nothing to do with the other but give us the money.

9 q Should there have been a relationship between  
10 Johnston's contribution and the signing of the bill?

11 A No.

12 q why not?

13 A Because it was improper. It's wrong.

14 q Had you actually said to Johnston give us the  
15 money and one has nothing to do with the other, what  
16 message did you think you would be sending to  
17 Johnston?

18 A That they're linked. I wouldn't have to -- I  
19 wouldn't have to say that if they weren't linked.

20 q And when you said to Defendant Blagojevich on  
21 line 20:

22 "I want to go with him without crossing the  
23 line."

24 why did you say that?

25 A Yeah, I was trying to convince myself,

Monk - direct by Niewoehner

1330 - A

1 potentially Rod, that somehow in having the  
2 conversation about these two things at the same time  
3 I really wasn't crossing the line in linking the two  
4 things.

:53PM

5 q Did you think you were linking the campaign  
6 contribution and the Racetrack Bill being signed?

7 A Yes.

8 q And you suggested you weren't going to cross the  
9 line, did you believe it?

:53PM

10 A No.

11 q You continue on at line 28:

12 "Because they're losing, losing 9,000 a day for  
13 every day it's not signed."

14 What were you indicating there?

:53PM

15 A I'm trying to make the point to Rod, you know, we  
16 need to try to get this bill signed because there  
17 was a 9-thousand-dollar a day.

18 q Why were you trying to indicate that to Defendant  
19 Blagojevich?

:53PM

20 A Because I wanted him to sign the bill.

21 q And at that point based on the conversation you  
22 were having, did you think that Defendant  
23 Blagojevich was linking the signing of the Racetrack  
24 Bill and the contributions?

:54PM

25 A Yes.



Monk - direct by Niewoehner

1331 - A

1 q Now, you continue on at Page 3, line 1, and you  
2 said:

3 "But I feel like leaving right now and going  
4 over there and saying give me the money."

5 What were you indicating there?

6 A That instead of staying in the campaign office  
7 and going over the list of the potential donors and  
8 the status of the donation and what can be done to  
9 get the donation, you know, my time might be better  
10 spent with meeting with Johnston and trying to get  
11 the donation from him.

12 q And on line 4 you say:

13 "How many bills are in question right now? I  
14 mean, how many need to be sign, approximately  
15 10 or 100?"

16 What were you indicating there?

17 A I wanted to find out whether there was other  
18 bills that could be signed, like the Racetrack Bill  
19 at that time, so that if the discussion started  
20 going in that direction, you know, there's the  
21 possibility that he would sign the Racetrack Bill  
22 along with those other group of bills.

23 q And in response on line 8 Defendant Blagojevich  
24 says:

25 "A hundred... "

Monk - direct by Niewoehner

1332 - A

1 and then continues:

2 "... this is, you know, a key month, you  
3 know, to get."

4 what did you understand Defendant Blagojevich  
5 meant there?

:55PM

6 A He's saying again that this month, December, it's  
7 the last month to collect the money before at the  
8 end of the year.

9 Q And when on line 10 Defendant Blagojevich says:

:55PM

10 "It's been a year now, a year last December."

11 what did you understand him to mean?

12 A That it had been a year since the Johnstons  
13 had made a donation.

14 Q Why did you understand the significance that it  
15 had been a year since the Johnstons had given a  
16 donation?

:55PM

17 A Because he felt that it was too long a period of  
18 time, too long a period of time had passed without  
19 John Johnston giving a deposition.

20 Q And then at line 11 Defendant Blagojevich says:

:56PM

21 "I need Greenlee right away."

22 What was Defendant Blagojevich doing at that  
23 point in time?

24 A Trying to get ahold of Bob Greenlee.

:56PM

25 Q How was Defendant Blagojevich doing that?

Monk - direct by Niewoehner

1333 - A

1 A I assume he is calling his assistant, Mary  
2 Stewart.

3 q And then some time later did Defendant  
4 Blagojevich talk to somebody you understood to be  
5 Bob Greenlee?

6 A Yes.

7 q And is that reflected starting on line 14 of the  
8 transcript?

9 A Yes.

10 q And when Defendant Blagojevich says:  
11 "Hey, how many bills do we have f'ing right now?  
12 30 bills."  
13 what did you understand Defendant Blagojevich  
14 meant?

15 A That there were 30 bills ready for him to take  
16 action on.

17 q Could you hear the other side of that  
18 conversation?

19 A No.

20 q And when Defendant Blagojevich says:  
21 "And they're all in the same timing."  
22 what did you understand Defendant Blagojevich  
23 to be asking?

24 A They're all ready for signing immediately if  
25 that's what he wanted to do.

Monk - direct by Niewoehner

1334 - A

1 q And when he continued to say:

2 Yeah, don't do any of them, I want to do them  
3 all together, okay, in toto, okay, all 30."

4 what did you understand Defendant Blagojevich  
5 to be saying?

6 A Don't take any action, don't have the bill signed  
7 until you hear from me.

8 q Did you understand that those 30 bills included  
9 the Racetrack Bill?

10 A Yeah, it could've.

11 q Did Defendant Blagojevich indicate to you that he  
12 knew what was in the other 29 bills that he was  
13 discussing there?

14 A No, he never talked about it.

15 q Did you know what was in the other 29 bills?

16 A No.

17 q what did you understand was going to happen to  
18 those other 29 bills based on Defendant  
19 Blagojevich's instructions?

20 A Nothing.

21 q Are they going to be signed?

22 A Possibly, but not until he gave the direction to  
23 do so.

24 q why did you understand Defendant Blagojevich was  
25 holding all 30 of those bills?

Monk - direct by Niewoehner

1335 - A

1 A I don't know.

2 Q Did you understand he was holding the Racetrack  
3 Bill at that time?

4 A Yes.

5 Q So did you understand there was a relationship  
6 between him signing the Racetrack Bill and the other  
7 29 bills?

8 A There could've been.

9 Q All right. Now, on line 21 when you said:

10 "Can you do them, are they ready to go now  
11 today?"

12 what are you meaning there?

13 A I was confirming with him what I thought I had  
14 heard him say on the phone that the bills were ready  
15 to go.

16 Q And then on line 23 when Defendant Blagojevich  
17 said "can I do them all today" and then he said  
18 "okay" what did you understand him to mean?

19 A That he's confirming that all the bills were  
20 ready to be signed.

21 Q And at that point from what Defendant Blagojevich  
22 said, why did you understand he was holding off on  
23 signing the Racetrack Bill?

24 A In relation to this, I'm not sure. In talking  
25 about the number of bills, I'm not sure.

Monk - direct by Niewoehner

1336 - A

1 q In the broader context of your conversation at  
2 that point, what did you understand Defendant  
3 Blagojevich was holding off on signing the Racetrack  
4 Bill?

:59PM

5 A He wanted to see if he was going to get the  
6 donation from the Johnstons by the end of the year.

7 q At line 29 Defendant Blagojevich says:

8 "I think you said, look, it's been a year, let's  
9 just get this done, just get it done."

:00PM

10 What did you understand Defendant Blagojevich  
11 to mean there?

12 A It was -- he was just trying to suggest that  
13 maybe I just be more direct with John Johnston and  
14 take a different tactic and say: Look, it's been a  
15 year, over a year since you last given a deposition,  
16 just get us the money.

:00PM

17 q Did you think John Johnston was going to respond  
18 to that type of argument?

19 A No.

:00PM

20 q At line 35, Blagojevich says:

21 "When you going to see him?

22 You responded:

23 "I want to see him right now."

24 What did you mean to say that?

:00PM

25 A That I wanted to leave the office and go see John

Monk - direct by Niewoehner

1337 - A

1 Johnston.

2 Q At line 7 Defendant Blagojevich said:

3 "I could have Greenlee or someone call and say  
4 I'm going to have a bill signing event and  
5 schedule something late January or December."

6 what did you understand Defendant Blagojevich  
7 to be saying there?

8 A That he'd have Greenlee call John Johnston, tell  
9 him that they wanted to schedule a bill signing for  
10 the Racetrack Bill and that would somehow give John  
11 Johnston the assurance the bill was going to get  
12 signed.

13 Q Did you want Defendant Blagojevich to have a bill  
14 signing event?

15 A Unless it was the next day, no.

16 Q When you discussed scheduling something during  
17 January or late December, was that a time frame that  
18 you wanted Defendant Blagojevich to have a bill  
19 signing event?

20 A No.

21 Q What would be the effect of having a bill signing  
22 event in late December or early January?

23 A That it would be, you know, somewhere between 25  
24 and however many days that the bill wouldn't be  
25 signed and the Johnstons would be losing that amount

Monk - direct by Niewoehner

1338 - A

1 of money. It would be too late.

2 q In line 9 Defendant Blagojevich says:

3 "What are you going to say to him, be careful."

4 what did you understand Defendant Blagojevich  
5 to be saying there?

6 A That somehow -- somehow I needed to have a  
7 conversation -- somehow I needed to have a  
8 conversation with John Johnston where there wasn't a  
9 perception that the signing of the bill and the  
10 contribution were linked.

11 q Did you understand -- well --

12 And why would that be -- why did you  
13 understand that would be a problem if the two were  
14 linked?

15 A Because you'd be -- you can't do state action or  
16 do something that related to state action  
17 specifically in exchange for a contribution.

18 q So on line 11, on Page 4 you say:

19 "I'm going to say to him stop screwing around  
20 and get me the money."

21 what are you doing in this particular point  
22 of the conversation.

23 A Get back to talking about a potential  
24 conversation I'm going to have with John Johnston.

25 q And then you continue saying:



Monk - direct by Niewoehner

1339 - A

1 "The concern is that, ah, he, you know, pulling  
2 back you want to group all these bills  
3 together."

4 what were you doing there?

:03PM

5 A I'm starting off this potential conversation with  
6 John Johnston by saying he's holding off so he can  
7 group all these bills together.

8 Q Did you understand that was the real reason that  
9 the Racetrack Bill wasn't being signed?

:03PM

10 A No.

11 Q And then you continue on line 15 and say:

12 "well, what's affecting him is that he feels  
13 like you're going to get skittish if he signs  
14 the bill."

:04PM

15 what are you doing at that point?

16 A I'm still projecting a potential conversation  
17 with John Johnston but I'm starting to tell him the  
18 real reason why the bill isn't getting signed.

19 Q what were you suggesting you would say at that  
20 point in time?

:04PM

21 A That Rod's not signing the bill right now because  
22 he's concerned if he signs the bill, you all are  
23 going to say, you know, we're going to hold off  
24 giving the donation because it's going to look like  
25 it's an exchange for me signing the bill.

:04PM

Monk - direct by Niewoehner

1340 - A

1 q So when you said "you're going to get skittish,"  
2 who are you referring to?

3 A The Johnstons.

4 q what would they get skittish about?

5 A Making the donation.

6 q And at line 18 when you say:

7 "I'm going to use the word skittish."

8 what are you doing there?

9 A Looking for Rod's agreement that that is the  
10 proper word to use.

11 q why were you checking with Defendant Blagojevich  
12 about the language you were going to use?

13 A Because there was an important conversation and  
14 he had told me previously to be careful, so I'm  
15 trying to get his comments and agreement that this  
16 is the right way to go.

17 q Did you want Defendant Blagojevich to approve of  
18 the language you used with Johnston?

19 A Yeah.

20 q And at line 20 when Blagojevich said "yeah," what  
21 did you understand he was indicating?

22 A That that was the right way to go, the right  
23 language to use.

24 q At line 22 when Defendant Blagojevich said:

25 "And he likes separation between that and

Monk - direct by Niewoehner

1341 - A

1 signing the bill."

2 what did you understand Defendant Blagojevich  
3 was doing at that part of the conversation.

4 A That he thought I should tell John Johnston that  
5 he, Rod, would like some period of time to pass  
6 before signing the bill, some period of time before  
7 signing the bill after he got the contribution.

8 q And, again, is this potential conversation you're  
9 going to have?

10 A Yes.

11 q And line 24th when you said:

12 "Define separation."

13 Defendant Blagojevich said:

14 "A week."

15 what did you understand Defendant Blagojevich  
16 was saying?

17 A That he would wait a week after receiving the  
18 contribution to sign the bill.

19 q what did you understand was going to happen  
20 first?

21 A The contribution would be made.

22 q And at that point in time how long was it going  
23 to be based on what Defendant Blagojevich said  
24 before he was going to sign bill?

25 A A week.

Monk - direct by Niewoehner

1342 - A

1 q what did you understand the affect that would  
2 have on John Johnston?

3 A That it would be another 6 to 7 days that they're  
4 losing \$9,000 a day.

:07PM

5 q So when you had this conversation with Defendant  
6 Blagojevich, were you being careful not to link the  
7 two or not to say directly that they were linked?

8 A Not to say directly they were linked.

9 q Now at line 28 there's a line where you say:

:07PM

10 "John, how are you, it's Lon."

11 Do you see that?

12 A Yes.

13 q What were you doing at that point in time in the  
14 conversation?

:07PM

15 A I'm still in the office and I am now talking to  
16 John Johnston about trying to come over and see him.

17 MR. NIEWOEHRER: Your Honor, at this time can  
18 we publish the call at tab 383?

19 THE COURT: Which one?

:08PM

20 MR. NIEWOEHRER: 383.

21 THE COURT: 383.

22 (Brief pause).

23 THE COURT: Yes.

24 (Tape played).

:08PM

25 BY MR. NIEWOEHRER:

Monk - direct by Niewoehner

1343 - A

1 q Mr. Monk, that conversation takes place  
2 December 3rd at about 2:18 p.m., do you see that?

3 A Yes.

4 q Is that conversation where you heard one side of  
5 it on the previous tape?

6 A Yes.

7 MR. NIEWOEHRER: Your Honor, could we publish  
8 the call at tab 84?

9 THE COURT: Yes.

10 (Tape played)

11 BY MR. SCHAR:

12 q Mr. Monk, this conversation takes place at  
13 approximately 2:21 p.m. on December 3rd, do you see  
14 that?

15 A Yes.

16 q Is this the conversation that you heard at the  
17 end of the other recording at the FOB offices?

18 A Yes.

19 q And had you planned to see John Johnston --  
20 strike that.

21 Had you spoken with John Johnston about  
22 meeting you and Johnston that day prior to this?

23 A No.

24 MR. NIEWOEHRER: Your Honor, if we could  
25 publish the call at tab 85?

Monk - direct by Niewoehner

1344 - A

1 THE COURT: Yes.

2 (Tape played).

3 BY MR. NIEWOEHRER:

4 Q Mr. Monk, this call took place 2:35 p.m.

:11PM

5 December 3rd, do you see that?

6 A Yes.

7 Q This was about 14 minutes after the last call?

8 A Yes.

9 Q And where were you going at that point in time?

:11PM

10 A To John Johnston's office.

11 Q Where was that located?

12 A At Maywood Racetrack in Melrose Park.

13 Q At that point what did you understand Defendant

14 Blagojevich was going to do with respect to the

:11PM

15 Racetrack Bill?

16 A Wait to see if he got a contribution from the  
17 Johnstons before signing it.

18 Q Were you concerned that Defendant Blagojevich  
19 ultimately would not sign the bill?

:11PM

20 A No, just be delayed. I'm trying to convince him  
21 to sign the bill earlier than later.

22 Q And what did you want Johnston to do at this  
23 point?

24 A Make the contribution.

:12PM

25 Q Why did you want Johnston to make the

Monk - direct by Niewoehner

1345 - A

1 contribution?

2 A So that Rod would sign the bill as soon as  
3 possible.

4 Q Now, did you arrive at the racetrack out in  
5 Melrose Park?

6 A Yes.

7 Q What did you do once you reached the racetrack?

8 A Went into the conference room there.

9 Q Who was there?

10 A John Johnston and very shortly thereafter his  
11 father walked in.

12 Q Who is his father?

13 A Billy Johnston.

14 Q What was your relationship like with Billy  
15 Johnston?

16 A It was fine. I mean, I only met him a few times.  
17 I wasn't that -- we didn't know each other real  
18 well.

19 Q Who did you typically deal with from the  
20 racetrack?

21 A John Johnston.

22 Q What did you discuss while Billy Johnston was  
23 present?

24 A Briefly, Billy trying to push me to get Rod to  
25 sign the bill and then at some length we somehow got

1 on the topic of New York Yankees and George  
2 Steinbrenner and started talking about his health.  
3 The Johntsons know the Steinbrenners.

4 q Did you raise any issues of fundraiser in front  
5 of the Bill Johnston?

6 A No.

7 q Why not?

8 A Because I'd been having the conversations with  
9 John, I didn't want to talk about in front of Bill  
10 the signing of the bill and fundraising. Quite  
11 frankly, I didn't think John wanted me to talk in  
12 front of Bill because I didn't know if John had  
13 communicated to Billy about making a contribution or  
14 not.

15 q Did you talk with John alone at some point?

16 A Yes.

17 q How did that happen?

18 A I think I stood up and said I needed to go, and  
19 we all stood up and I asked John if I could talk to  
20 him and would he walk out with me.

21 q What happened next?

22 A We had a conversation in the stairwell, kind of  
23 leading to the lobby of his office.

24 q Was anybody else present for that conversation?

25 A No.



Monk - direct by Niewoehner

1347 - A

1 q After that conversation, where did you go?

2 A I got in my the car and drove home.

3 q Did you talk with Defendant Blagojevich after you  
4 left?

5 A Yes.

6 q How did you do that?

7 A On my cell phone.

8 q And about how soon after you left the racetrack  
9 did you call Defendant Blagojevich?

10 A Three or four minutes.

11 q Why did you call Defendant Blagojevich so  
12 quickly?

13 A Because I just had the meeting with Johnston, I  
14 previously just had the meeting with Rod and I knew  
15 he was going to want to know how my meeting with the  
16 Johnstons went.

17 MR. SCHAR: Your Honor, could we publish at  
18 this time the call at tab 86?

19 THE COURT: Yes.

20 (Tape played.)

21 BY MR. NIEWOEHRER:

22 q All right. At line 9 on Page 1, you said:

23 "I'm just leaving there, ah, and I talked to him  
24 about his commitment."

25 What were you referring to there?

Monk - direct by Niewoehner

1348 - A

1 A That I was just leaving his office and I was  
2 talking to him about his donation.

3 q You continue on line 11 saying:

4 "Yeah, I said two separate conversations, what  
5 about your commitment."

6 Did you indicate to Johnston something about  
7 two separate conversations?

8 A Yes.

9 q why did you do that?

10 A I wanted to make -- I wanted to try to make him  
11 feel a little more comfortable about the  
12 conversation we were about to have in terms of the  
13 donation and the timing of the signing of the bill.

14 q Did you understand at that point that there was a  
15 connection between the donation and the signing of  
16 the bill?

17 A Yes.

18 q who was making that connection?

19 A Rod and me.

20 q Did you think that by telling Johnston that they  
21 were two separate conversations you would actually  
22 convince Johnston that they were not linked?

23 A No.

24 q And I'm going to direct your attention now to  
25 line 17, you said:

1 "And I said, look, there's a concern that  
2 there's going to be some skittishness if the  
3 bill gets signed because of the timeliness of  
4 the commitment."

:18PM

5 Did you indicate that to Johnston?

6 A Yes.

7 q Did you use the phrasing that you discussed with  
8 Defendant Blagojevich back at the FOB offices that  
9 day?

:18PM

10 A Yes.

11 q Why did you do that?

12 A Because I just left -- I just left Rod, it was  
13 fresh in my mind, and I knew that based on my  
14 conversation with him, he was comfortable with what  
15 I was doing.

:18PM

16 q When you talked with Johnston and indicated that  
17 there was some skittishness if the bill gets signed  
18 because of the timeliness of the commitment, what do  
19 you mean?

:18PM

20 A That John, we thought you would be reluctant to  
21 make the donation by the end of the year if the bill  
22 got signed now because he wasn't going to want to  
23 make the donation that close in time to the signing  
24 of the bill and have there be a perception that the  
25 signing of the bill was an exchange for the

:19PM

Monk - direct by Niewoehner

1350 - A

1 contribution.

2 q When you talked to Johnston, who were you  
3 concerned about being skittish?

4 A Johnston.

5 q Skittish about what?

6 A Giving a donation, the \$100,000.

7 q Did you think that Johnston -- well, why were you  
8 telling that to Johnston?

9 A Because I wanted to let him know why the bill  
10 wasn't getting signed and that, you know, as a  
11 result, he should give the contribution now because  
12 of his concern about us being concerned about him  
13 being skittish.

14 q Did you think that Johnston would feel pressured  
15 to contribute if he knew that Defendant Blagojevich  
16 was concerned about signing the bill?

17 A Yes.

18 q Did you think the fact that you said you were  
19 having two separate conversations would reassure  
20 Johnston that the contribution and the bill signing  
21 were not linked?

22 A Not really, no.

23 q Did you think Johnston would concerned only about  
24 the perception that the two were linked?

25 A No.

Monk - direct by Niewoehner

1351 - A

1 q what did you think you would be concerned about?

2 A That we were all doing something wrong in linking  
3 the signing of the bill and the donation.

4 q How did Johnston respond when you said along the  
5 lines of some skittishness if your bill gets signed  
6 because of the timeliness of the commitment?

7 A Saying to the effect, you know, that I knew it, I  
8 knew that this was probably the reason that it  
9 wasn't getting signed.

10 q what did you understand Johnston to mean?

11 A That the signing of the bill was linked to his  
12 donation.

13 q Now, turning your attention to line 21 where you  
14 said:

15 "He said actually not, I mean, you want me to  
16 put something in the next quarter."

17 Did Johnston in your conversation suggest he  
18 would put something in the next quarter?

19 A Yeah, I mean, he would make a portion of \$100,000  
20 before the end of the year and half of it after the  
21 first of the year.

22 q And on the next line, on line 23, where you say:

23 I said no, that's not my point, my point is that  
24 this all gotta be now."

25 Did you indicate that to Johnston?

1 A Yes.

2 q what did you mean when you said that to Johnston?

3 A That we needed the money by the end of the year.

4 q And on line 13 where you said:

5 "He's, Lon, I have to leave in two weeks and I'm

6 going to be gone for two weeks."

7 Did Johnston say words to that effect?

8 A Yes.

9 q what did you understand Johnston to mean when he  
10 said that?

11 A That he was leaving in two weeks for a two-week  
12 vacation.

13 q Did Johnston talk about making a contribution  
14 before he left?

15 A Yes.

16 q Did you want Johnston's entire contribution  
17 before the end of the year?

18 A Yes.

19 q At that point when you left your conversation  
20 with Johnston, what did you think Johnston was going  
21 to do?

22 A I still thought he was going to make the  
23 contribution within that two-week period.

24 q If you turn your attention to Page 2, line 6,  
25 when you say:

Monk - direct by Niewoehner

1353 - A

1 "The reason it took so long is Billy came in  
2 and start talking about George Steinbrenner and  
3 not about the bill so much, but just about his  
4 illness and all that."

:23PM

5 what were you indicating there?

6 A That the conversation I was going to have with  
7 John or the meeting I was going to have with John  
8 took longer than I anticipated because of Billy  
9 Johnston's presence.

:23PM

10 q And when you said at line 11:

11 "I didn't want to have that conversation in  
12 front of Billy.

13 And Defendant Blagojevich said:

14 "Yeah, I know. Good job."

:23PM

15 what did you understand Defendant Blagojevich  
16 to be saying?

17 A That I shouldn't have had the conversation we  
18 talked about in front of Billy Johnston.

:23PM

19 q Now, that was on December 3rd, the next day,  
20 December 4th, what did you do?

21 A I left for the Dominican Republic.

22 q why were you going to the Dominican Republic?

23 A To see friends and play golf for a couple of  
24 days.

:23PM

25 MR. NIEWEOHNER: Your Honor, the government

Monk - direct by Niewoehner

1354 - A

1 moves to admit Monk Travel Record pursuant to 90211  
2 certificate.

3 THE COURT: Admitted.

4 (Government's Exhibit Monk Travel Record was  
5 received in evidence.)

6 MR. NIEWOEHNER: May I publish and approach,  
7 Your Honor?

8 THE COURT: You may.

9 MR. NIEWOEHNER: Your Honor, we're going to  
10 publish Page 1.

11 (Exhibit published to the jury)

12 BY MR. NIEWOEHNER:

13 Q Mr. Monk, what do you see on this section that is  
14 reflected on the screen?

15 A My name and the itinerary and the flight and date  
16 of the flight and the airline.

17 Q Were you flying directly to the Dominican  
18 Republic you?

19 A No, I was first flying in to Miami.

20 Q If you could turn your attention, look at the  
21 lower right hand corner of the page to the page  
22 labeled "EG 918 9," do you see that?

23 A Yes.

24 Q And directing your attention to the top third of  
25 that page, there's something that says "AA" at the



Monk - direct by Niewoehner

1355 - A

1 top in bold, "AA 78 departing Chicago-O'Hare ORD on  
2 4 December 2008," do you see that?

3 A Yes.

4 q what was that?

:25PM

5 A That would the airline and the flight number I  
6 took from O'Hare to Miami.

7 q And a few lines down it says -- there's that says  
8 "FAD depart" and below that it says "ACTL depart",  
9 do you see that?

:25PM

10 A Yes.

11 q what does that show?

12 A The scheduled departure and the actual departure.

13 q Was that a.m. or p.m. that you left?

14 A a.m.

:25PM

15 q And then on the right side of the column where it  
16 says "SAED arrival" and "ATL arrival," what does  
17 that show?

18 A Scheduled arrival time in Miami and the actual  
19 arrival flight of the time in Miami.

:26PM

20 q Did your flight actually arrive at 9:51 a.m.?

21 A Yes.

22 q And is Miami on Eastern standard time?

23 A Yes.

24 q Would that be 8:51 a.m. Chicago time?

:26PM

25 A Yes.

Monk - direct by Niewoehner

1356 - A

1 q And if you turn your attention to the page of the  
2 exhibit on the lower right hand corner "DG 918," do  
3 you see that?

4 A Yes.

5 q Highlighting the section near the top third, what  
6 does that show?

7 A My name and my seat assignment.

8 q And then if you could turn your attention to the  
9 lower right hand corner "9:18," and again focusing  
10 on the top section of the exhibit, it says "AA 275  
11 departing Miami on 4 December 2008," what does that  
12 reflect?

13 A The schedule -- I'm sorry. American Airlines  
14 lines flight 275 from Miami to the Dominican  
15 Republic.

16 q Is that the flight you took?

17 A Yes.

18 q And then it shows "SAED depart" and "ACTL depart"  
19 what does that show?

20 A The scheduled departure and the actual departure  
21 from Miami to the Dominican Republic.

22 q Is that about actually when your flight left?

23 A Yes.

24 q Did you talk with Defendant Blagojevich on  
25 December 4th?

Monk - direct by Niewoehner

1357 - A

1 A Yes.

2 MR. NIEWOEHRER: Your Honor, if we could  
3 publish tab 88?

4 THE COURT: Yes.

5 (Tape played.)

6 BY MR. NIEWOEHRER:

7 q Turning your attention to Page 1, this call is  
8 dated December 4, 2008 about 9:09 a.m., do you see  
9 that?

10 A Yes.

11 q Where were you when you made this phone call?

12 A In the airport in Miami.

13 q And line 12 Defendant Blagojevich says:

14 "I got a call into Bruce again this morning."

15 What did you understand Defendant Blagojevich  
16 to mean there?

17 A That he called Bruce Lementimen.

18 q What did you understand Defendant Blagojevich  
19 wanted to talk to Bruce Lementimen about?

20 A Fundraising.

21 q And then at line 18 Defendant Blagojevich says:

22 "Now what about Gupta?"

23 Who did you understand Defendant Blagojevich  
24 was talking about there?

25 A David Gupta.

Monk - direct by Niewoehner

1358 - A

1 q And what was David Gupta potentially doing?

2 A Fundraising.

3 q And when Defendant Blagojevich said:

4 "I feel like that guy is a big BS'er,."

:32PM

5 what did you understand him to mean?

6 A That he is not going to deliver on his commitment  
7 to fundraiser for Rod or at least not meeting  
8 expectations.

9 q Had you heard Defendant Blagojevich use that  
10 term, BS'er before?

:33PM

11 A Yes.

12 q You testified previously about conversations you  
13 had with Defendant Blagojevich about when you were  
14 Chief of Staff about instances when lobbyists and  
15 consultants would come and ask things from Defendant  
16 Blagojevich, do you recall that testimony?

:33PM

17 A Yes.

18 q In that testimony you indicated at times you  
19 talked to Defendant Blagojevich about the lobbyists  
20 and consultants who wanted something, do you recall  
21 that?

:33PM

22 A Yes.

23 q And in those context -- in that context, did  
24 Defendant Blagojevich ever use the term "B'ser"?

:33PM

25 A Yeah.

Monk - direct by Niewoehner

1359 - A

1 q what did you understand Defendant Blagojevich  
2 meant when he used the term in that context?

3 A That, you know, these are people who did a lot of  
4 talking and didn't really deliver anything in terms  
5 of fundraising.

6 q And when Defendant Blagojevich was talking about  
7 these lobbyists and consultants who didn't deliver  
8 on fundraising, what did he typically do on their  
9 request?

10 A Didn't -- didn't fulfill them, didn't want to  
11 waste time with them.

12 q All right. I'm going to turn your attention now  
13 to Page 2, and on line 12 when you say:

14 "Not today but maybe tomorrow, just give John  
15 Johnston a call."

16 what were you indicating Defendant  
17 Blagojevich to do there?

18 A Call John Johnston and talk about the signing of  
19 the bill.

20 q why did you want Defendant Blagojevich to call  
21 John Johnston at that point in time?

22 A Because I thought it would put an additional  
23 pressure on the Johnstons to make the donation by  
24 hearing from the Governor and I also thought that,  
25 you know, John Johnston would have an opportunity to

Monk - direct by Niewoehner

1360 - A

1 explain to Rod directly, not through me but  
2 directly, the importance of getting the bill signed.

3 q At that point did you understand that Defendant  
4 Blagojevich was not signing the Racetrack Bill  
5 because he wanted the contributions?

6 A Yes.

7 q At that point did you think Defendant Blagojevich  
8 was concerned just about the perception of getting a  
9 contribution?

10 MR. ADAM, JR.: Objection to the leading,  
11 Your Honor.

12 THE COURT: It's a fine point, but he's  
13 right, the objection is sustained.

14 BY MR. NIEWOEHRER:

15 q You said a moment ago that you understood that  
16 Defendant Blagojevich was not signing the bill  
17 because he did not -- because Johnston had not made  
18 a contribution, is that right?

19 A Yes.

20 q And at that time from what Defendant Blagojevich  
21 had said, did you understand that Defendant  
22 Blagojevich was not going to sign the bill because  
23 he was concerned about a perception?

24 MR. ADAM, JR.: Objection.

25 THE COURT: Overruled.

Monk - direct by Niewoehner

1361 - A

1 BY THE WITNESS:

2 A I think he was concerned about perception and --  
3 and the actual fact that the two things may be  
4 happening together very closely and get tied  
5 together.

6 BY MR. NIEWEOHNER:

7 Q All right. Now, returning on line 15 when you  
8 say:

9 "well, you know, I'm working on the timing of  
10 this thing but it's going to get done."

11 what were you suggesting there?

12 A That Rod call John Johnston and confirm with John  
13 Johnston what I had been telling him of my  
14 conversations with Rod that this bill is going to  
15 get signed.

16 Q what would be the purpose of having Defendant  
17 Blagojevich reassure Johnston that the bill was  
18 going to get signed?

19 A You know, put pressure and incentivize Johnston  
20 to make a donation. It's not the same hearing from  
21 me as hearing from Rod.

22 Q And on line 26 when Defendant Blagojevich says:

23 "Call Johnny Johnston or should I have, have  
24 Harris call him."

25 what did you understand him to be suggesting

1 there?

2 A He's questioning whether he should make the call  
3 I just suggested he make or whether John Harris  
4 should make the call.

5 q And on line 4, on Page 3, when you say:

6 "I think it's better if you do it."

7 why did you say that?

8 A Because I thought it would be better coming  
9 directly from Rod than from John Harris.

10 q You continued on line 6 to say:

11 "It's better if you do it just from a pressure  
12 point of view."

13 what do you mean there?

14 A That by John Johnston hearing from Rod, it would  
15 put more pressure on him to make the donation.

16 q And when Blagojevich responded on line 8:

17 "Yeah, I could."

18 what did you understand Defendant Blagojevich  
19 to be saying?

20 A I get it, I hear you.

21 q And when he continues to say:

22 "I'll call him, yeah, I will, I want to do an  
23 event down, downstate. "

24 what did you understand Defendant Blagojevich  
25 was suggesting there?



1 A That in all likelihood the bill wasn't going to  
2 get assigned for a while because he wanted to  
3 schedule an event.

4 Q And when he continued at line 12:

5 "I'll say we want to do it and we hope, we hope  
6 to do this thing so we get together so we can  
7 start picking a date for bill signing."

8 what did you understand Defendant Blagojevich  
9 to mean?

10 A That that's what he was going to tell John  
11 Johnston, that we were going to try and find some  
12 dates and do a bill signing.

13 Q What did you understand the effect would be  
14 Defendant Blagojevich telling John Johnston that he  
15 wanted to pick some dates for bill signing?

16 A That it wasn't going to be signed imminently.

17 Q Why is that?

18 A Because scheduling a bill signing takes some time  
19 in terms of looking at the site, finding the right  
20 time for everybody's schedules to work, and, you  
21 know, putting some sort of crowd together to make it  
22 look like, you know, this is an important bill to be  
23 signed.

24 Q Did the logistics of a bill-signing event at the  
25 end of December pose particular problems?

1 A Yeah.

2 q why is that?

3 A People are on vacation, they're not focused on  
4 governmental action.

:39PM

5 q Now, you said before you had experience when you  
6 were Chief of Staff in conversations with Defendant  
7 Blagojevich in deciding when to sign bills, is that  
8 right?

9 A From time to time.

:39PM

10 q And what did you understand the point of having  
11 bill signing ceremonies to be?

12 A Make a big deal out of the particular bill  
13 signing and have people around or put in the  
14 location that was going to be impacted by the actual  
15 law that was going to be implemented as a result of  
16 the bill signing.

:40PM

17 q And what would be the advantages of having the  
18 bill signing in the place where it would be  
19 impacted?

:40PM

20 A Make it a big deal.

21 q And would that be an advantage if you made a big  
22 deal?

23 A I suppose, yeah.

24 q would there be media attention to such event?

:40PM

25 A Hopefully, yeah.

Monk - direct by Niewoehner

1365 - A

1 q Did you understand that Defendant Blagojevich  
2 actually wanted to have bill-signing event to get  
3 good press about the Racetrack Bill?

4 A No.

5 q Why not?

6 A Because it's a law that had been in existence  
7 since 2006, and continuing that law was a big deal  
8 to a handful of people, the horse racing industry.

9 q Now, the effect of doing bill-signing ceremony  
10 would draw attention to the bill you were signing,  
11 is that right?

12 A Hopefully, yeah.

13 q You earlier discussed the possibility that  
14 Defendant Blagojevich would hold the Racetrack Bill  
15 to sign with other bills, is that right?

16 A Yes.

17 q And you had earlier testified that the point of  
18 doing that would be to downplay the Racetrack Bill  
19 because you didn't want to draw attention to it, do  
20 you recall that testimony?

21 A Yes.

22 q Is having a bill signing ceremony consistent with  
23 waiting on the Racetrack Bill to sign with other  
24 bills?

25 A Can you ask that again?

1 q Did you understand the reasons for having a  
2 bill-signing ceremony was to draw attention to the  
3 bill, was that your testimony?

4 A Yes.

5 q Was that the same reason that you might hold the  
6 Racetrack Bill to sign with other bills?

7 A I don't understand the question.

8 q I'm sorry.

9 was the point -- when you held a bill to sign  
10 with other ones, were you trying to draw attention  
11 to the bill or not?

12 A No.

13 q And if you were holding a bill-signing ceremony,  
14 were you trying to draw attraction to the bill?

15 A No -- I mean, yes. Yes.

16 q So turning back to line 16 on the transcript,  
17 when you said:

18 "What are the chances based on my conversation  
19 with you yesterday that this gets done next  
20 week?"

21 What were you referring to?

22 A Signing the bill next week, hopefully signing the  
23 bill next week.

24 q At line 20 Defendant Blagojevich says:

25 "You know, they're good."

1           what did you understand Defendant Blagojevich  
2 to be saying there?

3 A   There was a, you know, chance that it might get  
4 signed next week.

5 q   Did you believe Defendant Blagojevich was going  
6 to sign it index week?

7 A   No.

8 q   And on line 23 when you said:

9       "I'm telling you, he's going to be good for it,  
10       I got in his face."

11       why did you say that?

12 A   Because I didn't think Rod saying "you know  
13 they're good" meant that it was good. I mean, I  
14 could just tell from the inflection of his voice and  
15 the manner in which he said it that he was trying to  
16 get me off the subject. I didn't he was trying to  
17 get it signed next week and I was telling him, look,  
18 the Johnstons are going to get you the donation,  
19 just, you know, sign the bill.

20 q   And on line 29 when Defendant Blagojevich said:

21       "I feel there's someone else holding him back  
22       --"

23       and he continues to the next page and he says:

24       "I believe it's Chris Kelly."

25       what did you Defendant Blagojevich is saying

Monk - direct by Niewoehner

1368 - A

1 there.

2 A That Chris Kelly had been communicating with John  
3 Johnston and he was somehow convincing John Johnston  
4 not to make the donation.

: 43PM

5 q Now, had you been talking to Chris Kelly  
6 separately about the Racetrack Bill in this time  
7 period?

8 A Yeah, I believe I had a conversation with him;  
9 maybe two.

: 44PM

10 q And approximately when in relation to  
11 December 4th did you talk to Kelly about the  
12 Racetrack Bill?

13 A Within one, two, maybe three days of that.

: 44PM

14 q What had Kelly indicated to you in those  
15 conversations?

16 A That he wanted Rod to sign the bill.

: 44PM

17 q Did Kelly explain to you why he wanted Defendant  
18 Blagojevich to sign the bill?

: 44PM

19 A Yeah, he was telling me that it was for very  
20 personal reasons.

21 q Did you understand what that meant necessarily?

22 A Not in that conversation, no.

: 44PM

23 q Had you talked with Defendant Blagojevich prior  
24 to this conversation in December 4th about Chris  
25 Kelly and the Racetrack Bill?

Monk - direct by Niewoehner

1369 - A

1 A Yes.

2 q And approximately when in relation to this  
3 December 4th conversation had you spoken with  
4 Defendant Blagojevich?

:45PM

5 A Very close in time. Again, within the three days  
6 prior to that.

7 q Had you spoken with Defendant Blagojevich about  
8 this topic when you were at the FOB offices on  
9 December 3rd?

:45PM

10 A I believe I did, yeah.

11 q And in that conversation, what did Defendant  
12 Blagojevich say to you about Chris Kelly and the  
13 Racetrack Bill?

:45PM

14 A That Chris had had some conversation with a guy  
15 named Bernie Kosar who suggested that Chris go to  
16 Jeb Bush who in turn then would go to President Bush  
17 and Chris and -- and that somehow they were linked  
18 to the signing of this horse racing bill.

:45PM

19 q What was Defendant Blagojevich's reaction to what  
20 Kelly wanted to have happen?

21 A He -- he -- his reaction was, you know, it seems  
22 kind of far-fetched.

:46PM

23 q Did Defendant Blagojevich indicate to you that he  
24 wasn't going to sign the Racetrack Bill because of  
25 something to do with Chris Kelly?

Monk - direct by Niewoehner

1370 - A

1 A No.

2 Q Now -- oh, excuse me.

3 Going back to the transcript of the call --

4 MR. ADAM, JR.: Which call?

5 MR. NIEWOEHRER: Excuse me. Tab 88.

6 BY MR. NIEWOEHRER:

7 Q On Page 4, on line 3, Defendant Blagojevich says:

8 "Well, let's take-down a whole year."

9 what did you understand Defendant Blagojevich  
10 to be saying there?

11 A He is still talking about the year, that it had  
12 been a year since the Johnstons had last made a  
13 donation.

14 Q And at line 5 you say:

15 "I don't think he's been talking to Chris."

16 what did you mean there?

17 A That I don't think John Johnston had been talking  
18 to Chris.

19 Q At that point did you think John Johnston had  
20 been talking to Chris Kelly?

21 A No.

22 Q At line 14 Defendant Blagojevich says:

23 "Freveletti kind of dancing."

24 who did you understand Freveletti to be a  
25 reference to?



Monk - direct by Niewoehner

1371 - A

1 A Tony Freveletti.

2 q Who is Tony Freveletti?

3 A A lobbyist in the State of Illinois, fundraised  
4 in the past.

:47PM

5 q And in the fall of 2008 had you been having  
6 conversations with Defendant Blagojevich about  
7 fundraising with Tony Freveletti?

8 A This is the first specific conversation I  
9 remember talking with Rod about this.

:47PM

10 q I'm going to show you what's been marked as  
11 Government Exhibit --

12 MR. NIEWOEHRER: Your Honor, may I approach?

13 THE COURT: You may.

14 BY MR. NIEWOEHRER:

:48PM

15 q Previously admitted as Government Exhibit Monk  
16 fundraising List 2.

17 Mr. Monk, what is that?

18 A It's one of the fundraising lists that we would  
19 go over when we would go over fundraising.

:48PM

20 q In about when is the date on that particular  
21 fundraiser?

22 A October 6th, 2008.

23 q Is there an entry for Tony Freveletti on that  
24 list?

:48PM

25 A Yes.

1 q And what does it reflect going on with Tony  
2 Freveletti?

3 A An event in mid November with the low goal being  
4 10,000, the high goal would be 10,000, and a note  
5 that says we'll get back to Rod with a date.

6 q And based on that notation, "we'll get back to  
7 Rod with date" who did you understand was the point  
8 of contact with Tony Freveletti?

9 A Rod Blagojevich.

10 q Now, line 15 Defendant Blagojevich says or  
11 continues:

12 "Freveletti kind of dancing saying, you know,  
13 they're firm doesn't get any bond work or  
14 something that somebody was hired."

15 what did you understand Defendant Blagojevich  
16 to be saying there?

17 A That his -- that the law firm that he represented  
18 wasn't getting any bond work and that someone else  
19 was probably hired on some bond offering.

20 q And when Defendant Blagojevich indicated  
21 Freveletti kind of dancing, what did you understand  
22 him to mean?

23 A That he is not committing giving a firm  
24 commitment to either hosting a fundraiser or  
25 donating money.

Monk - direct by Niewoehner

1373 - A

1 q And Defendant Blagojevich went on and said:

2 "I mean boy."

3 Line 17:

4 "Some of these people are blatant how they say  
5 some of these things."

6 what did you understand Defendant Blagojevich  
7 to be saying?

8 A That there were some people that had no problem  
9 talking about connecting donations to state action.

10 q And who in particular did you understand  
11 Defendant Blagojevich was talking about there?

12 A Tony Freveletti.

13 q And what state action did you understand  
14 Defendant Blagojevich was talking about?

15 A The firm that Tony Freveletti represented or  
16 worked for, the law firm, wasn't getting any bond  
17 work.

18 q Now, Mr. Monk, after this call, where did you go?

19 THE COURT: We're going to take a break.

20 THE MARSHAL: All rise.

21 (Recess.)

22 THE MARSHAL: All rise.

23 (The following proceedings were had in the  
24 presence of the jury in open court:)

25 THE COURT: Please be seated.

Monk - direct by Niewoehner

1374 - A

1           You may resume.

2 BY MR. NIEWEOHNER:

3 q Mr. Monk, when we broke you were describing a  
4 conversation you had at the Miami airport on  
5 December 4th, do you recall that?

6 A Yes.

7 q Where did you go after -- did you go to the  
8 Dominican Republic after that?

9 A Yes.

10 q How long did you stay at the Dominican Republic?

11 A 3 or 4 days.

12 q Did you come back to Chicago at some point?

13 A Yes.

14 q About when did you come back to Chicago?

15 A After midnight on the 8th, sometime early morning  
16 on the 9th.

17 q Did you talk to Johnston at any point -- well,  
18 actually, on December 9th, did you learn that  
19 Defendant Blagojevich had been arrested?

20 A Yes.

21 q Between December 4th and December 9th did you  
22 have any further conversations with John Johnston?

23 A No.

24 q After your conversation at the Miami airport with  
25 Defendant Blagojevich, did you have anymore

Monk - cross by Ettinger

1375 - A

1 conversations with Defendant Blagojevich until the  
2 point you learned he had been arrested?

3 A No.

4 q Had Defendant Blagojevich signed the Racetrack  
5 Bill as of December 9th?

6 A No.

7 MR. NIEWOEHNER: No further questions, Your  
8 Honor.

9 CROSS EXAMINATION

10 BY MR. ETTINGER:

11 q Good afternoon, Mr. Monk.

12 A Good afternoon.

13 q My name is Michael Ettinger. I represent Robert  
14 Blagojevich.

15 You originally are from California, correct?

16 A Correct.

17 q And I believe you testified on direct that  
18 sometime in the middle to end of 2001 you came to  
19 Illinois to become the campaign manger for Rod  
20 Blagojevich's first run for Governor?

21 A Yes.

22 q Is that right?

23 A Yes.

24 q Prior to that, you were in Washington as his  
25 consult for the -- he was a United States

1 Representative, is that right?

2 A Yes.

3 q Is it safe to say prior to coming to Illinois in  
4 the middle of 2001 you were not involved in  
5 politics?

6 A Correct.

7 q Is it safe to say that prior to the middle of  
8 2001 you were not involved in political fundraising?

9 A Correct.

10 q All right. So when you came here and you agreed  
11 to be the campaign chairman for Rod Blagojevich's  
12 run for Governor, I think you told us before it was  
13 new to you?

14 A Campaign manger.

15 q Or campaign manger.

16 A Yes.

17 q Okay. What were your duties as campaign manger?

18 A To manage the staff, keep an eye on the budget,  
19 make sure that money wasn't getting spent that we  
20 wouldn't know about, make sure we weren't  
21 overspending on certain things.

22 q So you were aware, is it true -- and from the  
23 middle of 2001 until I believe the end of 2002, you  
24 had that position as campaign manger?

25 A To the first part of the November 2002, yes.

1 q Okay. So that's the period I'm talking about  
2 right now.

3 A Okay.

4 q So during that period, you were aware of the  
5 campaign finances, is that right?

6 A Yes.

7 q You were aware of how much money was raised, is  
8 that right?

9 A Yes.

10 q Now, when you came here, you didn't know much  
11 about Illinois politics, true?

12 A Correct.

13 q You didn't know much about political fundraising,  
14 correct?

15 A Correct.

16 q All right. So what you did was, when you came  
17 here, I think you told us on direct, there were  
18 these fundraising lists that you would work off of?

19 A Yes.

20 q Okay. And these lists contained names of people  
21 that had given donations previously, right?

22 A Some of them may also have included potential  
23 donors that hadn't given in the past.

24 q Okay. And then I think you told us about  
25 bundlers.

1 A Yes.

2 q Okay. And a bundler, as I recall, was someone  
3 that would go to various individuals and have them  
4 have fundraisers and raise money, is that true?

5 A Yes.

6 q Is that true?

7 A Yes.

8 q And you dealt with bundlers during your role as  
9 campaign manager from 2001 to the middle of 2002, is  
10 that correct?

11 A Very little at the beginning and gradually as  
12 time went on more and more.

13 q Okay. Well, tell us, as time went on, what  
14 period of time are you talking about? How many  
15 months would it take until you dealt with them more?

16 A Again, it was over a period of time. I'd say  
17 from the middle of 2001 up until the primary in 2002  
18 my dealing with them increased over that period of  
19 time.

20 q So it took you at least 6 months to get  
21 acclimated, is that right?

22 A At least.

23 q At least. Right.

24 So prior -- in those first six months, you  
25 were learning the political process in Illinois and



1 about political fundraising, correct?

2 A Yes.

3 q Okay. Now, when you dealt with these bundlers  
4 during your role as campaign manger, you didn't tell  
5 them how to raise funds, did you?

6 A Not that I recall specifically. I don't know if  
7 we got into discussions about how specifically they  
8 were raising funds.

9 q Right.

10 A Some of them had experience doing it, anyway.

11 q Okay. Well, they would have fundraisers with  
12 their clients, correct?

13 A Yeah.

14 q Were some of them lobbyists?

15 A I believe so, yes.

16 q And what you would do is check on the progress  
17 and how much was coming in, is that right?

18 A Yes.

19 q Okay. And after the election, the primary you  
20 say in 2002, your role changed?

21 A No, I just started spending more time with some  
22 of the bundlers. I got to know them, I got to see  
23 some of the interaction between Rod and them, and  
24 Chris Kelly and them, and my role increased in that  
25 area.

1 q Okay. So it's a fact, isn't it, sir, that in  
2 2001 Robert Blagojevich was not in Illinois taking  
3 part in any political group action for his brother?

4 A No.

5 q Is that correct?

6 A Yes.

7 q 2002, he wasn't here, was he?

8 A He wasn't. He did -- I think he hosted a  
9 fundraiser at some point in late -- I think in the  
10 primary at some point with his -- I think the bank  
11 he was working with.

12 q Okay, other than that, you didn't see him here,  
13 right?

14 A No. No.

15 q 2003, you didn't see Robert Blagojevich here, did  
16 you?

17 A No. Other than socially, no.

18 q Nothing to do with the campaign or his brother's  
19 role as Governor of the State of Illinois?

20 A No.

21 q He had no part in that, correct?

22 A Correct.

23 q 2004, you didn't see him, did you? Politically,  
24 is what I mean.

25 A Correct.

1 q Okay. 2005, he wasn't active with his brother in  
2 campaign or politics, correct?

3 A Correct.

4 q Same thing in 2006, is that right?

5 A He played a small role in the campaign in 2006.

6 q Okay. 2006 he had some -- that was an election  
7 year?

8 A Yes.

9 q Yeah, for the Governor, where Rod ran for  
10 Governor again a second term, right?

11 A Correct.

12 q And what was your role, by the way, in 2006?

13 A I was a campaign manger.

14 q And Robert had a couple of fundraisers in the  
15 Serbian community, if you recall?

16 A I think that's right.

17 q He wasn't a paid employee of the campaign fund,  
18 Friends of Blagojevich?

19 A No.

20 q Friends of Blagojevich was in existence, isn't  
21 that true?

22 A Yes.

23 q In fact, it started prior to the election in  
24 2002, is that correct?

25 A Ah, I -- I think so it was either Friends of

1 Blagojevich or Blagojevich for Governor, one of the  
2 two, but they were basically the same thing.  
3 Friends of Blagojevich may have been in existence, I  
4 can't remember.

:23PM

5 q Okay. Is it fair to say, though, from 2002  
6 through the end of 2008 it was in existence, Friends  
7 of Blagojevich, or a prior entity, correct?

8 A Right.

:24PM

9 q All right. So in 2006 Robert Blagojevich had no  
10 official role with that, is that correct?

11 A He wasn't getting paid. He was asked to do a few  
12 things, but he wasn't getting paid for it.

13 q And that was in 2006?

14 A Correct.

:24PM

15 q Now, 2007, what was your position?

16 A I was a lobbyist and consultant.

17 q So you were no longer part of the campaign  
18 office?

:24PM

19 A I would come in occasionally and talk about  
20 fundraising and attend some other political meetings  
21 that were going on.

22 q You were a lobbyist in 2007, is that right?

23 A Yes.

:24PM

24 q Who was the head of Friends of Blagojevich in  
25 2007?

1 A I think it might have been Chris Kelly, I'm not  
2 positive.

3 q Okay. At some point Chris Kelly got charged with  
4 various crimes and someone else took over, is that  
5 right?

6 A He got charged with crimes, I don't know when  
7 someone else took over. I don't know the exact  
8 timing.

9 q Jeanne Ahren, you know her?

10 A Yes.

11 q She ran Friends of Blagojevich in the end of  
12 2007, do you recall that?

13 A That's probably right.

14 q In fact, Jeanne Ahren stayed as the head of  
15 Friends of Blagojevich until she was replaced by  
16 Robert Blagojevich in August of 2008, is that right?

17 A I don't know the exact timing of that. And  
18 Jeanne may have been chairman, I don't know whether  
19 she was the head of Friends of Blagojevich.

20 q Well, okay, chairman.

21 A Chairman.

22 q And that's the position Robert Blagojevich took  
23 over, is that right?

24 A I think so. I'm not acutely aware of that, but I  
25 think so.

1 q So to the best of your recollection, did Robert  
2 Blagojevich--and I know you weren't part of  
3 it--become chairman of Friends of Blagojevich in  
4 August 2008?

:26PM

5 A Again, I don't know the timing of him becoming  
6 chairman.

7 q I'm going to show you what's been marked as a  
8 Government Exhibit and it's --

9 A Okay.

:26PM

10 q -- and it's a picture of the Friends of  
11 Blagojevich office.

12 A Okay.

13 q I think you testified about it before.

:26PM

14 And this picture is the conference room, is  
15 that correct?

16 A Yes.

17 q Now, you see the telephone by the lower, as I'm  
18 facing it, right corner of the screen?

19 A Yes.

:26PM

20 q Okay. There's a telephone there and there's some  
21 papers, is that correct?

22 A Yes.

23 q And that was Robert Blagojevich's office, wasn't  
24 it?

:26PM

25 A When I came in the office, typically that's where

Monk - cross by Ettinger

1385 - A

1 he was sitting, yeah.

2 q Okay. And I think you went over the other parts  
3 of this suite, correct?

4 A Yes.

5 q And we showed Rod Blagojevich's office. That's  
6 all the way at the end, that was "5," correct?

7 A Correct.

8 q Okay.

9 (Brief pause).

10 BY MR. ETTINGER:

11 q Number 5, is what we just saw, the conference  
12 room?

13 A Correct.

14 q Number 4, is an office?

15 A Yes.

16 q And I believe that's Chrissie Jacobs', Chrissie  
17 Jacobs' office?

18 A That's where she sat.

19 q And she is the secretary, right?

20 A She was the secretary, uh-huh.

21 q For a while of Friends of Blagojevich?

22 A Yes.

23 q And we don't have to go back to her, there is  
24 pictures in it, she had a desk and computer, right?

25 A Yes.

1 q And number 3 is another office?

2 A Correct.

3 q Right. And that had a desk and a chair and a  
4 computer, right?

5 A Yes.

6 q That's Jeanne Ahren's office, correct?

7 A That's where she sat, yeah.

8 q Number 1 was an empty space, that wasn't an  
9 office, correct?

10 A Correct.

11 q And number 2 was Rod's office, correct?

12 A Yes.

13 q All right. If we can we go back to 5.

14 (Brief pause).

15 BY MR. ETTINGER:

16 q Now, we're back to Robert's office.

17 Does this picture generally show the  
18 condition of Robert's office or the conference room  
19 throughout 2008? Is that how it was?

20 A Yeah.

21 q And -- and when you'd have some meetings and you  
22 sat in the conference room, this is what you're  
23 talking about the conference room, right?

24 A Correct.

25 q All right. Also in the conference room is the



Monk - cross by Ettinger

1387 - A

1 water cooler, right?

2 A Yes.

3 q There's the microwave, right?

4 A Yes.

:29PM

5 q And if you would look up from the edge of  
6 Robert's desk, you could see the kitchen sink,  
7 couldn't you?

8 A Yes.

9 q Clear view of it?

:29PM

10 A Yes.

11 q Okay. There's the fridge right next to it,  
12 right?

13 A Yes.

14 q Okay. And once again, through 2008, that hadn't  
15 changed much, right?

:29PM

16 A No.

17 q Now, you testified about a meeting on December  
18 3rd 2008 in the Friends of Blagojevich office, okay?

19 A Yes.

:30PM

20 q And it started off in the conference room with  
21 you and Rod and Robert, correct?

22 A Correct.

23 q Okay. It then, I think you said, Rod wanted to  
24 talk to you in private, correct?

:30PM

25 A Yes.

Monk - cross by Ettinger

1388 - A

1 q And he asked you to step into his office, right?

2 A Yes.

3 q You went all the way down the hall past office 4,  
4 3, the open space, and went to Rod's office,  
5 correct?

6 A Yes.

7 q Robert stayed right there, didn't he?

8 A As far as I know, yeah.

9 q He wasn't invited in, was he?

10 A No.

11 q Now, when you went in that office, you talked  
12 about certain political events, correct?

13 A Political and fundraising, yeah.

14 q Okay. And Robert wasn't asked to be a party to  
15 that, correct?

16 A No. Correct.

17 q Mr. Johnston was discussed in that private  
18 meeting, is that correct?

19 A Yes.

20 q Okay. And Rod didn't want Robert to be part of  
21 that meeting was your impression, is that true?

22 A Yes.

23 q And also, I think, there's a Bulls game around  
24 that time, December 2008? Or do I have my dates  
25 wrong?

Monk - cross by Ettinger

1389 - A

1 with Motorola, do you remember?

2 A Right. I think it was November 13th.

3 q Okay. Good. November 13th.

4 And the topic of Mr. Johnston came up or was  
5 to come up at that game, right?

6 A Yes.

7 q And Robert was not invited to that, was he?

8 A No.

9 q Okay. And Robert was basically kept out of the  
10 political line, correct?

11 A That was my impression, Rod was keeping him out  
12 of that.

13 q Okay. And, in fact, just to stick on Johnston,  
14 with Mr. Johnston, the government played a tape and  
15 you had said on that tape, and correct me if I'm  
16 wrong, and you told Robert that fundraising had  
17 nothing to do with -- or any political action had  
18 nothing to do with any fundraising with  
19 Mr. Johnston?

20 MR. NIEWOEHNER: Your Honor, I'm going to ask  
21 for some foundation.

22 MR. ETTINGER: Okay, I'll go to the exact  
23 call.

24 THE COURT: Yeah.

25 (Brief pause).

Monk - cross by Ettinger

1390 - A

1 BY MR. ETTINGER:

2 q I got it here. It's tab 58, and if you go to  
3 Page 4 --

4 THE COURT: Mr. Ettinger, is this to fresh  
5 recollection?

6 MR. ETTINGER: Yes, sir.

7 THE COURT: You don't have to open it.

8 BY THE WITNESS:

9 A I'm sorry, what page?

10 BY MR. ETTINGER:

11 q 4, lines 27 to 30.

12 A Yes.

13 q That's the time that you told -- one of the times  
14 that you told Robert Blagojevich that there's  
15 absolutely no connection between the two, that is  
16 the contribution from Johnston and a legislative  
17 issue, is that correct?

18 A Yes.

19 q And that is your position to Robert, is that  
20 correct?

21 A Yes.

22 q Now, Robert Blagojevich never talked to  
23 Mr. Johnston, to your knowledge?

24 A To my knowledge, no.

25 q Okay. He was your client, Mr. Johnston, correct?

Monk - cross by Ettinger

1391 - A

1 A He was my client and I was the one responsible  
2 for collecting the donation from him.

3 q Okay. And you were paid by Mr. Johnston,  
4 correct?

5 A Yes.

6 q Okay. And, in fact, the first time with  
7 Mr. Johnston, I think you said the Governor asked  
8 for a contribution, it was somewhere in the  
9 beginning of November, was it not, from

10 Mr. Johnston?

11 A Yeah, I think -- I think it was earlier than  
12 that.

13 q October, do you believe?

14 A Maybe.

15 q Okay.

16 A Maybe just a bit earlier.

17 q Now, when Rod asked for a contribution from  
18 Mr. Johnston, I think you talked to him personally  
19 on the phone, is that right?

20 A Yes.

21 q So if it was in October, the Illinois State  
22 legislature had not passed the racing bill, correct?

23 A Correct.

24 q That wasn't until November 24th that it actually  
25 went to the Governor's desk, correct?

1 A Correct.

2 q So when Rod asked for the contribution, it was  
3 prior to any bill -- the bill hadn't been passed  
4 yet, right?

5 A Correct.

6 q Now, Mr. Johnston was represented by Mr. Kelly  
7 prior to you, correct?

8 A In terms of fundraising, yes. He wasn't -- he  
9 wasn't paid by the Johnstons, as far as I know.

10 q Okay. But he was the representative, is that  
11 fair to say?

12 A Yeah, he was the point of contact from the  
13 campaign to the Johnstons.

14 q Okay. And he did fundraising with them?

15 A Yes.

16 q Okay. And you were aware of that, correct?

17 A Yes.

18 q And the Johnstons had interests in certain  
19 racetracks in Illinois, is that right?

20 A Yes.

21 q And, in fact, from 2002 and maybe through 2007,  
22 maybe through 2008, their primary goal was to get  
23 slot machines in the racetracks, wasn't it?

24 A I think that's right, yeah.

25 q Okay. And that never happened, did it?

Monk - cross by Ettinger

1393 - A

1 A No.

2 q They contributed before to Friends of Blagojevich  
3 prior to 2008?

4 A Yes.

5 q In fact, they were contributors from 2002 on, is  
6 that true?

7 A I believe that's right, yes.

8 q I believe in 2006 or 2005, didn't?

9 THE WITNESS: They have a fundraiser in  
10 Yankee Stadium with George Steinbrenner?

11 A I remember that trip, they may have been the host  
12 of it. I remember Rod going on that trip, I didn't  
13 go.

14 q Okay. Do you remember that they raised about a  
15 quarter of a million for Friends of Blagojevich?

16 A I don't remember the specific amount. I do  
17 remember the event but not the specific amount.

18 q So you would agree from 2002 on they were  
19 involved, they were contributors?

20 A Yes.

21 q Now, this is Monk Fundraising List 1, we're going  
22 to look at Page 2.

23 And the date on this, Mr. Monk, if you agree  
24 with me, is September 12, 2008?

25 A (No response.)

1 q I can show you where it is.

2 There you go. Right?

3 A Yes.

4 q See where Mr. Johnston is up there?

5 A Yes.

6 q And the amount \$100,000?

7 A Yes.

8 q And the high and low goal is \$100,000?

9 A Yes.

10 q And that's of September 12th, 2008, correct?

11 A Yes.

12 q And that is before Rod Blagojevich called him up  
13 and asked for a fundraiser?

14 A I don't know if that is true or not.

15 q Okay. But at least as of September 12, 2008, he  
16 was down on the list?

17 A Yes.

18 q Correct?

19 A Yes.

20 q And this list basically was comprised of prior  
21 donors to Friends of Blagojevich?

22 A Without looking at the list, I don't know that  
23 they were all prior donors. Some of them may have  
24 been new names that we got that we were going to  
25 pursue.



1 q Okay. But basically these lists --

2 A I would say most of them were priors that gave  
3 money in the past.

4 q That's fine.

:39PM

5 Now, you were connected with Friends of  
6 Blagojevich and Governor Rod Blagojevich regarding  
7 fundraising, is that fair to say?

8 A Yes.

9 q From 2002 on, is that right?

:39PM

10 A Yes.

11 q And there's certain reporting periods for any  
12 political campaign in this state, is that right?

13 A Yes.

:39PM

14 q And those two dates are June 30th of each year  
15 and December 31st, is that right?

16 A Correct.

:39PM

17 q And you and along with the other fundraisers and  
18 Friends of Blagojevich were focused on these dates  
19 as deadlines throughout your term from 2002 to the  
20 present, to 2008, is that fair to say?

21 A Yes.

:40PM

22 q And you wanted to get -- the goal was to get  
23 sufficient funds in or as much as you can by those  
24 dates, is that right?

25 A Yes.

1 q And why was that?

2 A So that the campaign could show a big number  
3 having been raised in the previous 6 -- 6 months and  
4 show a big balance in the bank.

:40PM

5 q Okay. And I think you told us before with the  
6 balance in the bank, it makes you -- makes other  
7 candidates hesitant to run against you if you have a  
8 lot of money?

9 A That's one of the reasons, yeah.

:40PM

10 q In our system, our elections are privately  
11 funded, right?

12 A Yes.

:40PM

13 q Now, on occasion you'll get someone -- I forget  
14 the guy. Fitzgerald ran for United States Senate in  
15 2004. For United States Senate, he wanted his own  
16 campaign.

17 A Yeah from the state office point of view they  
18 were privately funded. The state didn't help fund  
19 campaigns.

:40PM

20 q So if I wanted to run for office and you wanted  
21 to run for office, you'd have to go out and raise  
22 funds, right?

23 A Yes.

:41PM

24 q And you'd use those funds to pay for advertising,  
25 TV, correct?

1 A Correct.

2 q You got to get your candidate's name out there,  
3 right?

4 A Correct.

5 q TV, radio, newspapers, correct?

6 A Correct.

7 q That's where it's spent, right?

8 A A lot of it.

9 q Now, when -- you're an attorney, too, aren't you?

10 A I went to law school, I don't think I'm an  
11 attorney anymore.

12 q well, 2008, 2007, right?

13 A I wasn't licensed to practice law.

14 q But you were in California?

15 A well, I was here -- I was in California, that's  
16 right. That's right.

17 q well, I think you told us during your testimony  
18 in the last two or three days what a candidate could  
19 do with that campaign fund, are you aware of that?

20 A Yes.

21 q Okay. And that's through your position with the  
22 Friends of Blagojevich, is that right?

23 A what was the question?

24 q You learned what could be done with campaign  
25 funds, right?

1 A Yes.

2 q You were the campaign manger, correct?

3 A Yes.

4 q And is it true, it used to be a candidate can  
5 take the money in the campaign fund, put it in his  
6 bank account and pay income tax on it?

7 A I heard about that, yeah.

8 q It used to be. Not like that anymore, is it?

9 A I don't think so.

10 q So what you can do with the money now is run a  
11 campaign, correct?

12 A Yes.

13 q With few exceptions, but none of which let's you  
14 keep the money, the candidate?

15 A Not personally, no.

16 q Now, you told us and you just told us recently,  
17 regarding Mr. Johnston, you did not want to link the  
18 contribution to any state action, is that right?

19 A Yeah. In an ideal world, no.

20 q I'm sorry?

21 A In an ideal world, no.

22 q And you didn't -- you did not tie the timing of  
23 this contribution from Johnston to the ethics bill  
24 either, did you?

25 A No.

1 q In fact, you told Mr. Johnston that you wanted  
2 his contribution by the end of the year because of  
3 the year-end push, isn't that what you the told him?

4 A Correct.

5 q Now, there's a Patrick Magoon, do you know who he  
6 is?

7 A I know of him, yeah.

8 q He's the head of Children's Memorial Hospital,  
9 correct?

10 A I think that's right.

11 q Have you ever met him?

12 A I don't think so, but that doesn't mean I didn't.  
13 I have no recollection of it.

14 q Okay. Are you aware in 2002 that he personally  
15 contributed \$1,000 to the Friends of Blagojevich?

16 A No.

17 q Are you aware in 2003 he personally contributed  
18 \$1,000 to the Friends of Blagojevich?

19 A No.

20 q Are you aware in 2003, 4 and 5, all the way up to  
21 2007, he was a personal donor to Friends of  
22 Blagojevich?

23 A No.

24 q You weren't aware of that?

25 A No.

1 q All right. You were aware, were you not, that  
2 Patrick Magoon had a lobbyist either through  
3 Children's Memorial Hospital or personally and it  
4 was John Wyma, am I right?

5 A Yes.

6 q Okay. And were you aware that Mr. Magoon also  
7 was on the Board of Directors of the Illinois  
8 Hospital Association?

9 A I didn't know that.

10 q Do you know what the Illinois Hospital  
11 Association is?

12 A In general.

13 q A political action group?

14 A Yeah.

15 q They contribute to candidates, right?

16 A Right.

17 q To further their interests, correct?

18 A Yes.

19 q Are you aware that presently or in 2009  
20 Mr. Magoon became president of that organization?

21 A No, I wasn't aware of that.

22 q Now, in 2008, John Wyma represented Children's  
23 Memorial Hospital or Patrick Magoon, one of the two,  
24 is that right?

25 A I believe so.

1 q Okay. Were you aware that Children's Memorial  
2 Hospital is a not-for-profit corporation?

3 A Yes.

4 q Right?

5 And they can't give political contributions,  
6 can they?

7 A No.

8 q In fact, the employees or Mr. Magoon could,  
9 right?

10 A I think that's right, yeah.

11 q And the Illinois Hospital Association could, is  
12 that right?

13 A Yes.

14 q Okay. And Mr. Patrick Magoon could run a  
15 fundraiser, couldn't he?

16 A I believe so.

17 q Okay. And do you know what -- strike that.

18 At some point you became -- you were asked to  
19 talk to Mr. Magoon to have a fundraiser or political  
20 contributions by Rod Blagojevich, is that right?

21 A That was a brief discussion about it, yeah.

22 q And do you remember when that was?

23 A I think it was sometime in late October or early  
24 November of 2008.

25 q Okay. And you said -- what did you say to him?

1 A No, that Robert was in a better position, I  
2 didn't know anyone at Children's Memorial Hospital.

3 q Okay. Well, to your knowledge, did Robert know  
4 anyone?

5 A No.

6 q So it was decided Robert would call Mr. Magoon,  
7 is that right?

8 A Yeah.

9 q And, to your knowledge, did Robert call  
10 Mr. Magoon?

11 A Yes.

12 q Okay.

13 A He said he did.

14 q Did he tell you he asked for him to have a  
15 fundraiser, correct?

16 A I don't remember that specifically.

17 q Okay.

18 A He could've.

19 q Well, but the point was, no one was asking  
20 Children's Memorial Hospital for a donation or a  
21 fundraiser, that's right, isn't it?

22 A Again, I wasn't involved in trying to raise money  
23 for them, so I don't know that specifically.

24 q But you do know that Patrick Magoon was asked,  
25 correct?



1 A I don't because to my knowledge he wasn't  
2 returning his phone calls.

3 Q Oh, okay. Well, to your knowledge -- well, let's  
4 put it this way, there was a meeting at some point  
5 in 2008, November, that you testified about  
6 regarding Patrick Magoon, correct?

7 A Yes.

8 Q And you recall that my client, Robert  
9 Blagojevich, was there?

10 A Yes.

11 Q And Rod Blagojevich was there, is that right?

12 A Yes.

13 Q And you were there?

14 A Yes.

15 Q Just the four of you?

16 A The three of us.

17 Q The three of you, right.

18 Did it take place in the conference room that  
19 we saw?

20 A Yes.

21 Q And what's your best recollection of what the  
22 date of it was?

23 A I want to back up because there was a discussion  
24 in October 22nd among the three of us at John Wyma  
25 regarding Children's Memorial Hospital and then

1 there was a subsequent discussion or discussions  
2 that I think took place a week or two weeks after  
3 have.

4 Q So sometime in November, the middle of November,  
5 is that fair?

6 A Yeah, early November to mid November, yeah.

7 Q 2008?

8 A Yes.

9 Q And the discussion between you, Robert  
10 Blagojevich, and Rod Blagojevich took place in the  
11 conference room, correct?

12 A Yes.

13 Q There were phones working in that conference room  
14 at the time?

15 A Yes.

16 Q Okay. And your testimony is that during that  
17 meeting, Robert Blagojevich told his brother, Rod  
18 Blagojevich, and you that he had called Patrick  
19 Magoon and he wouldn't return his calls?

20 A My recollection is that he called Children's  
21 Memorial Hospital and they weren't returning his  
22 phone call.

23 Q Okay. And I think you told us before that Robert  
24 then said I'm not calling anymore, right?

25 A Yes.

1 q So he's done with Children's Memorial Hospital,  
2 according to what he said, right?

3 A Right.

4 q They put him on the pay-no-mind list, right?

5 A That's what Robert said. I don't know that they  
6 put him on the pay-no-mind list, but he said I'm not  
7 going to call him anymore.

8 q Okay.

9 A You know, I'm tired of him not calling me back.

10 q Okay. And Robert's been truthful with you during  
11 your relationship with him, hasn't he?

12 A Yes.

13 q Always acted like a gentleman with you, right?

14 A Yes.

15 q Professional, correct?

16 A Yes.

17 q And after when Robert said that, Rod reacted,  
18 didn't he?

19 A Yes.

20 q And what you told this jury was -- and was Rod  
21 surprised at that time? Did he act surprised?

22 A I don't remember so much surprised as angry.

23 q Angry.

24 But instant reaction to someone not calling  
25 his brother back?

1 A Right.

2 q Correct?

3 Like he heard it for the first time, correct?

4 A I don't know whether he heard it for the first  
5 time or not.

6 q Well, would you characterize his reaction of  
7 anger from Robert saying, "I called three time and  
8 they won't call back," would you characterize that  
9 is your opinion of him hearing it for the first  
10 time?

11 A No, I characterize as Rod being angry that  
12 they're not returning the phone calls. I don't know  
13 whether Robert had conversation with him prior to  
14 that or not.

15 q Okay. But right after Robert said it, Rod  
16 reacted, according to your testimony, correct?

17 A Yes.

18 q And your testimony is that Rod called someone  
19 from the phone in the conference room at the FOB  
20 office?

21 A Yes.

22 q The same one we saw up here.

23 And you don't know who he called?

24 A I don't know who was on the other end. I think  
25 he was trying to reach Bob Greenlee.

Monk - cross by Ettinger

1407 - A

1 q You don't know who he talked to, do you?

2 A No.

3 q And after the phone call, the three of you were  
4 still there, correct?

5 A Yes.

6 q Now, you had conversations with the government  
7 about your conversations with Rob and Rod throughout  
8 the period of your cooperation, right?

9 A Yes.

10 q And during that, we'll call it debriefing, and  
11 that happened about 35 times, right? That you met  
12 with them?

13 A 38, 35 times.

14 q Okay. And from time to time they'd play tapes,  
15 is that right?

16 A Yes.

17 q Okay. Did they ever play you a tape with a  
18 conversation that showed the phone call that you  
19 just told this jury about?

20 A I don't believe they did.

21 q Okay. Did they ever play you a tape that  
22 reflected the conversations that took place in the  
23 conference room at Friends of Blagojevich that  
24 reflected what you just testified to?

25 A No.

Monk - cross by Ettinger

1408 - A

1 MR. ETTINGER: One second, Judge.

2 (Brief pause).

3 MR. ETTINGER: This is my last line.

4 THE COURT: Sure.

5 (Brief pause).

6 BY MR. ETTINGER:

7 q Tab 51, Mr. Monk, if you would look at it to  
8 refresh your recollection, please.

9 That is a transcript dated where there's a  
10 phone call on November 12, 2008, is that right?

11 A Yes.

12 q And on that -- in that phone call you're speaking  
13 about your dad, right?

14 A Yes.

15 q And you tell Robert that how your -- he asks how  
16 your dad is and you said fine, correct?

17 A Yes.

18 q And you told him he had surgery on Monday and you  
19 took him back for follow-up, right?

20 A Yes.

21 q And you told him about the big black wrap-around  
22 glasses he wears to protect his eyes from the sun,  
23 right?

24 A Yes.

25 q The fact of the matter is, you never went to

Monk - cross by Ettinger

1409 - A

1 California then, did you?

2 A I did, but I wasn't there during that period of  
3 time. I didn't stay extra days.

4 Q Well, do you remember you had a conversation with  
5 the FBI and certain members of the U.S. Attorney's  
6 Office on February 4, 2009?

7 A I don't remember that specific day, but that's an  
8 accurate time frame.

9 Q You remember that you were asked about -- and you  
10 were asked certain questions by the FBI agents and  
11 the U.S. Attorney's Office about this trip to  
12 California?

13 A Yes.

14 Q And it's a fact, sir, you told the FBI and an  
15 Assistant from the U.S. Attorney's Office on  
16 February 4, 2009, that you told Governor Blagojevich  
17 and Rob Blagojevich that you were going with your  
18 dad for cataract surgery but you did not actually  
19 go, your sister went with your father and reported  
20 the results to you, you were not in Los Angeles at  
21 all during that time?

22 A Correct. I was there just before that.

23 Q I'm sorry?

24 A I was there just before that, but I was not there  
25 for my father's cataract surgery, no.

Monk - cross by Ettinger

1410 - A

1 q Okay. For any of it, is that right?

2 A For my father's cataract surgery, right.

3 q Or afterwards?

4 A Correct.

5 q So when you told Robert all this about your  
6 father and being with him, it was a lie, is that  
7 right?

8 A Yes.

9 q Okay. And that wasn't the first time you lied to  
10 him, correct?

11 A Correct.

12 q And you lied to benefit yourself every time,  
13 didn't you?

14 A Yes.

15 MR. ETTINGER: That's all, Judge.

16 MR. ADAM, JR.: May I just have a moment,  
17 Your Honor?

18 THE COURT: What?

19 MR. ADAM, JR.: May just have a moment?

20 THE COURT: Sure.

21 (Brief pause).

22 MR. ADAM, JR.: May I proceed, Your Honor?

23 THE COURT: You may.

24

25



Monk - cross by Adam, Jr.

1411 - A

1 CROSS EXAMINATION

2 BY ADAM, JR.:

3 Q Good afternoon, Mr. Monk. My name is Sam Adam,  
4 Jr. and I represent Rod, so we have an introduction.

:58PM

5 A Good afternoon.:

6 Q Now, Mr. Monk, you gave us three days of  
7 testimony, is that correct, approximately?

8 A Yes.

:58PM

9 Q So if there are some things that I ask you that  
10 that may reflect back to other parts of the  
11 testimony, if you don't understand the question I'm  
12 asking, please just say, Mr. Adam, I don't  
13 understand, could you rephrase, is that fair?

14 A Yes.

:58PM

15 Q Now, Mr. Monk, you come from California, is that  
16 right?

17 A Yes.

18 Q Where in California do you come from?

19 A Southern California.

:58PM

20 Q And is there a particular town?

21 A Palos Verdes.

22 Q And Palos Verdes, you grew up there with your  
23 father and your mother in the same household, is  
24 that right?

:59PM

25 A Yes.

Monk - cross by Adam, Jr.

1412 - A

1 q And, in fact, your father was a gynecologist, is  
2 that true?

3 A Correct.

4 q In fact, a rather good gynecologist, he actually  
5 helped birth many of the stars that are out there,  
6 is that fair to say?

7 A No.

8 q well, how about a couple of tennis players that  
9 had babies?

10 A One that I remember.

11 q who was that?

12 A Tracy Austin.

13 q That was his client, is that correct?

14 A Yes.

15 q Now, in growing --

16 A His mother was.

17 q His mother. The mother of Tracy was?

18 A Right.

19 q Now, you and your father had a very good  
20 relationship, is that fair?

21 A I think so, yeah.

22 q And, in fact, your father is a very -- a big  
23 runner. He runs in marathons, is that true?

24 A Used to.

25 q And in fact -- he's older now, but when you were

Monk - cross by Adam, Jr.

1413 - A

1 in say high school, college, and law school he ran a  
2 number of marathons?

3 A That's right.

4 q And, in fact, the first time that you and  
5 Mr. Blagojevich went to your House, that was when  
6 you were in law school, is that right?

7 A Yes.

8 q And Rod went there and met your father, is that  
9 correct?

10 A Yes.

11 q And, in fact, throughout law school, he had a  
12 relationship with both your mother and your father?  
13 Rod that is.

14 A Yes.

15 q And, in fact, they did a lot of running together?

16 A They ran a few times together.

17 q And Rod got to see how your father and you  
18 interacted, didn't he?

19 A Yes.

20 q Rod got to see how you we raised, basically,  
21 since you were right down there in California, to  
22 understand the principles that your father taught  
23 you, didn't he?

24 A Yes.

25 q You and Rod had a good relationship at that time,

Monk - cross by Adam, Jr.

1414 - A

1 didn't you?

2 A Yes.

3 q Is it fair to say that you went to Pepperdine  
4 together and became good solid friends?

:00PM

5 A We met at Pepperdine and became good solid  
6 friends, yes.

7 q So much so you lived together, didn't you?

8 A Yes.

:00PM

9 q So much so he got a chance to talk to you about  
10 personal things, didn't he?

11 A Yes.

12 q So much so that you guys shared secrets together,  
13 didn't you?

:01PM

14 A None that I can remember right now, but probably,  
15 yeah.

16 q But, I mean, if he was dating a girl and you were  
17 dating a girl, you guys would talk about those type  
18 of things back then?

19 A Yes. Yes.

:01PM

20 q Or if he wanted to date somebody, maybe he'd have  
21 you try to get a hold of her for him, was that fair  
22 to say? Things like that?

23 A Yes, things like that.

24 q And vice versa, is that right?

:01PM

25 A Yes.

Monk - cross by Adam, Jr.

1415 - A

1 q And he got a sense of who you were when you guys  
2 were together there in Pepperdine, isn't that right?

3 A Yes.

4 q You were not committing crimes at Pepperdine,  
5 were you?

6 A Other than occasional drug use, yes.

7 q Marijuana and things like that?

8 A Yes.

9 q Well, this was in the '80s, right?

10 A Yes.

11 q I mean, marijuana and those types of things, I'm  
12 not asking about that. I mean, you weren't  
13 committing frauds, were you?

14 A No.

15 q You were not out there robbing banks, were you?

16 A No.

17 q He got a sense of who you were from the way that  
18 you were raised by your father, didn't he?

19 A Yes.

20 q Your father raised you to be honest, didn't he?

21 A He set a good example.

22 q He set a good example, didn't he?

23 A Yes.

24 q As well as your mother, too, didn't she?

25 A Yes.

Monk - cross by Adam, Jr.

1416 - A

1 q Your mother set a good example and Rod got to see  
2 that, didn't he?

3 A Yes.

4 q And Rod trusted you back then, as far as you  
5 knew, didn't he?

6 A Yes.

7 q And you trusted him?

8 A Yes.

9 q Was there anything about the relationship that  
10 you and Rod had back in Pepperdine in your formative  
11 years that would ever give him pause to think you'd  
12 be here and he'd there be?

13 A No.

14 q And, in fact, he told you that when he met you in  
15 Colorado and asked you to come on to his  
16 congressional staff, didn't he?

17 A Yeah.

18 q That was --

19 A Something to that effect, yeah.

20 q That was 2000, wasn't it?

21 A December of 2000, yes.

22 q And you were there with his family, weren't you?

23 A Yes.

24 q You knew his children?

25 A His daughters were there, yeah.

Monk - cross by Adam, Jr.

1417 - A

1 q You knew his wife?

2 A Yes.

3 q And of all the people in the world he could call  
4 to help him, he called you, didn't he?

5 A Yeah.

6 q And he brought you in to Colorado and said, Lon,  
7 I'm thinking about running for Governor, there's  
8 nobody I trust more than you, didn't he?

9 A I don't know if that was the point of the trip.

10 q well, tell us --

11 A Yeah, we decided we wanted to go on vacation  
12 together, we had done that before, once before, and  
13 the subject came up, he told me for the first time  
14 that he was thinking about running for Governor.

15 q And he wanted you to be there?

16 A Yeah.

17 q Because he trusted you?

18 A Yes.

19 q Now, you had no experience whatsoever in Illinois  
20 politics, did you?

21 A That's right.

22 q You had no experience with Springfield, did you?

23 A No.

24 q When you became Chief of Staff, you learned about  
25 Springfield, didn't you?

Monk - cross by Adam, Jr.

1418 - A

1 A Yes.

2 q They're sharks, aren't they?

3 A I don't know that I would use that term, but --

4 q well, everybody -- strike that.

:04PM

5 There are a number of people that are out for  
6 themselves down there, aren't there?

7 A Yes.

8 q They want that money, don't they?

9 A Me personally?

:04PM

10 q well, I mean -- well, let's talk about --

11 A For constituents.

12 q For constituents, is that fair to say?

13 A Yeah.

14 q And not only that, you have lobbyists who work in  
15 Springfield, don't you?

:04PM

16 A Yes.

17 q In fact, you became one?

18 A Yes.

19 q what's the purpose of a lobbyist?

:04PM

20 A To advocate on your client's behalf whatever  
21 their interest may be in state politics.

22 q well, and most of time people hire a lobbyist so  
23 they can get state business, would that be fair?

24 A Yes.

:04PM

25 q They're not down there because they happen to



Monk - cross by Adam, Jr.

1419 - A

1 like a particular hair style, are they? Right?

2 A No, some of the clients wanted to do business  
3 with the state.

4 q They want something from that particular  
5 politician, correct?

6 A Yes.

7 q Now, in becoming the Chief of Staff, prior to  
8 that you were the campaign manger for the FOB,  
9 correct?

10 A Yes.

11 q And as the campaign manger for the FOB, you  
12 learned a number of the rules and regulations  
13 regarding how to raise funds and what you can and  
14 cannot do, didn't you?

15 A Yeah.

16 q And, in fact, you were a lawyer at the time when  
17 you first came on as the campaign manger, isn't that  
18 correct?

19 A I wasn't licensed to practice law but --

20 q Well, you were in California?

21 A I was but I still -- my license had expired, but  
22 I was in California.

23 q But you went to law school?

24 A Yes.

25 q You understand the idea of, as we all hated in

Monk - cross by Adam, Jr.

1420 - A

1 law school, research and writing, things like that,  
2 correct?

3 A Yes.

4 q And you knew how to research, is that fair to  
5 say?

6 A Yes.

7 q And you were interested in doing the best job you  
8 could, weren't you?

9 A Yeah. If you're suggesting I researched the  
10 rules and regulations of fundraising, I didn't do  
11 that.

12 q Well, then, tell us how you learned them?

13 A From Rod and from Chris and from other people who  
14 had fundraised before.

15 q And, in fact, you had known at the time you came  
16 on as campaign manger for the Governor, you knew  
17 that Rod had been in Congress, didn't you?

18 A Yes.

19 q And you knew that Rod learned the ins and outs of  
20 campaign fundraising in Congress, didn't you?

21 A Yeah.

22 q And, in fact, you and Rod had numbers of  
23 conversations about his understanding of what you  
24 can and cannot do, didn't you?

25 A Yeah.

Monk - cross by Adam, Jr.

1421 - A

1 q And, in fact, Rod told you that his  
2 understanding--and this is back in 2000, 2001--his  
3 understanding of what you can, can do with campaign  
4 contributions is accept them. You can accept  
5 campaign contributions, can't you?

6 A Yes.

7 q And as the Governor, not only did he tell you he  
8 could accept campaign contributions, he also told  
9 you there was no problem with that contributor  
10 having state business, didn't he?

11 MR. NIEWOEHNER: Objection; hearsay.

12 THE COURT: The objection is sustained.

13 BY MR. ADAM, JR.:

14 q Well, was it your understanding that there is not  
15 a problem in state politics where a person who gives  
16 a campaign contribution also having state business?

17 A That's correct.

18 q It was your understanding in 2008 that it is not  
19 a crime for a politician to accept a campaign  
20 contribution from someone doing state action unless  
21 there's a quid pro quo, isn't that right, Mr. Monk?

22 MR. NIEWOEHNER: Objection; legal conclusion.

23 THE COURT: It is a legal conclusion and I  
24 will instruct the jury on the law with respect to  
25 that.

Monk - cross by Adam, Jr.

1422 - A

1 MR. ADAM, JR.: Yes, your Honor.

2 BY MR. ADAM, JR.:

3 q What is a quid pro quo in your understanding as  
4 you did these things with Johnston?

:08PM

5 A That you're exchanging a campaign contribution  
6 for taking specific state action.

7 q It has to be, in your understanding, as related  
8 to the Johnstons, it had to be one, the campaign  
9 contribution in exchange for the state action, isn't  
10 that what your understanding was related to  
11 Johnston?

:08PM

12 MR. NIEWOEHNER: Objection; relevance; legal  
13 conclusion.

14 THE COURT: You know, whatever this man says  
15 is not going to be the measure of the law. And he,  
16 actually, sort of answered the question you could've  
17 asked already, so I'm sustaining the objection as  
18 asked and answered.

:08PM

19 MR. ADAM, JR.: Yes, your Honor.

20 BY MR. ADAM, JR.:

:08PM

21 q Well, you have told us, Mr. Monk, that you went  
22 to Mr. Johnston in 2008 and said to Mr. Johnston we  
23 are having two separate conversations, one about  
24 fundraising and one about the Racetrack Bill, didn't  
25 you?

:09PM

Monk - cross by Adam, Jr.

1423 - A

1 A Yes.

2 Q Now, you used the term "separate conversations,"  
3 didn't you?

4 A Yes.

5 Q Explain to the ladies and gentlemen of the jury  
6 why it was important to you that it be in two  
7 separate conversations.

8 A I was trying to somehow justify in my mind and  
9 make myself feel better of the conversation that I  
10 was about to have with him regarding fundraising and  
11 the signing of the bill.

12 Q And when you say make yourself feel better, what  
13 you mean by that is, your underwriting of the law  
14 was, as long as it's not the state action in  
15 exchange for the contribution, you were fine?

16 MR. NIEWOEHNER: Objection; asked and  
17 answered.

18 THE COURT: He did. It's the second time  
19 around.

20 MR. ADAM, JR.: Yes, your Honor.

21 BY MR. ADAM, JR.:

22 Q When -- you have told us, Mr. Monk, that you had  
23 conversations with Mr. Blagojevich regarding what  
24 you should and should not say to Mr. Johnston, is  
25 that correct?

Monk - cross by Adam, Jr.

1424 - A

1 A Yes.

2 q And during those conversations, you and  
3 Mr. Blagojevich, Rod that is, discussed what you  
4 should and should not say, isn't that correct?

5 A Yes.

6 q And one of the things that you said to  
7 Mr. Blagojevich was, in those conversations, I'm  
8 going to keep it two separate conversations with  
9 Mr. Johnston, didn't you?

10 A I don't know if I used that specific wording. I  
11 said I didn't -- I wanted to go there and not cross  
12 the line.

13 q When you say not cross the line, tell us what you  
14 meant?

15 A That I wanted to try and see if I could somehow  
16 have this conversation with the Johnstons where I  
17 wasn't linking the state action and the  
18 contribution.

19 q Well, when you say "link," that's not exchange  
20 one for the other, is it?

21 A Yeah, it kinda is.

22 q When you say it kinda is, when did Mr. Johnston  
23 tell you that he was going to make a contribution  
24 for the first time?

25 A When did he tell me?

Monk - cross by Adam, Jr.

1425 - A

1           when he told me -- best of my recollection is  
2 in November, early November.

3 q   Were you his lobbyist in September?

4 A   Yes.

5 q   And in September, as the counsel here showed you,  
6 he had already been put down on the list for  
7 100,000, isn't that correct?

8 A   Yes.

9 q   And, in fact, as you being a lobbyist paid for by  
10 Mr. Johnston, you certainly knew that he made a had  
11 made a commitment in September, didn't you?

12 A   Yeah, I think he had made that commitment to Rod.

13 q   And, in fact, you were present when Rod was on  
14 the phone, weren't you?

15 A   Yes.

16 q   You heard that conversation? Or strike that.

17           You heard Rod's part of that conversation?

18 A   Correct.

19 q   And when you heard Rod's part of that  
20 conversation, did you ever hear Rod mention the  
21 Racetrack Bill in that conversation?

22 A   Not that I remember, no.

23 q   Did you ever hear him say: You give me a hundred  
24 grand, and I'm going to sign the bill?

25 A   No.

Monk - cross by Adam, Jr.

1426 - A

1 q Did you ever hear, ever from September of '08 to  
2 December 9th of '08, Rod ever tell you one time he  
3 wasn't signing the Racetrack Bill?

4 A No.

5 q And, in fact, it was your understanding  
6 throughout all of this, no matter what, at some  
7 point Rod was going to sign the bill, didn't you?

8 A That's what I believed, yeah.

9 q And, in fact, when Johnston -- strike that.

10 You had to come to Rod on a number of  
11 occasions or at least talk to him on the phone in  
12 which you told him that the Johnstons are supposed  
13 to be giving you money, is that correct?

14 A Yes.

15 q How many times would you say you told him that?

16 A Three or four.

17 q And on the first time he told you that, did Rod  
18 ever say to you, he better give me that money or I'm  
19 signing the bill?

20 A No.

21 q On the second time you told him that, did Rod  
22 even intimidate to you, he better give me that money  
23 or I'm not signing the bill?

24 A No.

25 q Did he ever tell you on the third time, he better



Monk - cross by Adam, Jr.

1427 - A

1 give me that money or I'm not signing the bill?

2 A No.

3 q Did he ever tell you on the fourth time, he  
4 better give me that money in exchange for me signing  
5 the bill?

6 A No.

7 q Now, you're his best friend, aren't you?

8 A Yeah. Good friend.

9 q Good friend.

10 You talked to him -- strike that.

11 They played for you here a number of  
12 conversations between the two of you on the phone,  
13 isn't that right?

14 A Yes.

15 q And you talked to him just about every day,  
16 correct?

17 A During that period of time not quite. We weren't  
18 communicating as much but --

19 q But --

20 A Three or four times a week, four or five times a  
21 week, yeah.

22 q And, in fact, Mr. Monk, you stood up, you sat  
23 there last week and earlier today and talked about  
24 the fact that you were in a criminal conspiracy  
25 throughout 2003 and 2004 with Mr. Blagojevich, do

Monk - cross by Adam, Jr.

1428 - A

1 you recall that?

2 A Yeah. Regarding our meetings, yeah.

3 q That you had no problem between you and him  
4 conspiring to steal from the State of Illinois, do  
5 you remember that?

6 A Yes.

7 q That you guys had meetings in which you discussed  
8 exchanging state action for your personal benefit,  
9 remember that?

10 A Yes.

11 q And again in 2008, that's the same guy that  
12 you're having these conversations with about  
13 Mr. Johnston, right?

14 A Yes.

15 q And at no point did he ever say to you: Look,  
16 Lon, I just want my money, that's when I'll sign the  
17 bill? At no point did he ever say that to you?

18 A He never said that.

19 q At no point did he ever say: Look, man, we've  
20 done this before, baby, we've done this before, this  
21 is just another example how we're going to get some  
22 money to line the campaign fund here, just tell them  
23 I'll sign it when they give it?

24 A No.

25 q In fact, is it fair to say that a number of calls

Monk - cross by Adam, Jr.

1429 - A

1 they played for us today, you guys are figuring out  
2 a way to make Johnston not feel extorted, isn't that  
3 right?

4 A Yeah.

:16PM 5 Q For one thing, this is an extortion case. You  
6 know because you read the indictment. You know he's  
7 charged with extortion, don't you?

8 A Yes.

:16PM 9 Q Are you telling the ladies and gentlemen of the  
10 jury that he's spent his time with you in 2008  
11 extorting Mr. Johnston by telling him he's not  
12 getting extorted? Is that what you're telling us to  
13 believe?

14 MR. NIEWOEHNER: Objection to the conclusion.

:16PM 15 THE COURT: The objection is sustained.

16 MR. ADAM, JR.: May I have a moment? I'm  
17 sorry.

18 THE COURT: Sure.

19 (Brief pause).

:16PM 20 BY MR. ADAM, JR.:

:17PM 21 Q During this time in which you say you and the  
22 Governor--and this is what you said--you and the  
23 Governor were trying to figure out a way to make the  
24 Johnstons not feel extorted, did you know a person  
25 by the name of Bill Quinlan?

Monk - cross by Adam, Jr.

1430 - A

1 A Yes.

2 q who is Bill Quinlan?

3 A He was the general counsel for the Governor's  
4 office.

:17PM

5 q And when you say general counsel, can you tell us  
6 what that job entails?

7 A He's like the lead lawyer in the Governor's  
8 office in a variety of matters.

:17PM

9 q And so if the Governor had a legal question,  
10 that's the person you should talk to is Bill  
11 Quinlan?

12 A Regarding state matters.

13 q With regard to state matters, correct?

14 A Yeah.

:17PM

15 q Also, well, you spent a lot of time with Bill  
16 Quinlan, didn't you?

17 A Yeah.

18 q In fact, in one of the phone calls showed you  
19 were down in Springfield with him, isn't that right?

:17PM

20 A Yes.

21 q In fact, you came back sick, isn't that right?

22 A Yes.

23 q You even told him you were sick, didn't you?  
24 Remember that phone call?

:17PM

25 A Right.

Monk - cross by Adam, Jr.

1431 - A

1 q Right.

2 Now, Bill Quinlan and you had a number of  
3 discussions regarding the Johnston deal, didn't you?

4 A I'm sure I did, I just can't remember specific  
5 discussions about the Racetrack Bill and Bill  
6 Quinlan, but I'm sure I did.

7 q And in fact, to your knowledge, Bill Quinlan  
8 understood that the Johnstons had given money  
9 before, isn't that right?

10 MR. NIEWOEHNER: Objection; relevance.

11 THE COURT: The objection is sustained.

12 BY MR. ADAM, JR.:

13 q Well, did you and Bill Quinlan discuss whether or  
14 not the Johnstons could give money in 2008?

15 MR. NIEWOEHNER: Objection; relevance.

16 THE COURT: Still sustained.

17 BY MR. ADAM, JR.:

18 q Did you have any discussions with Bill Quinlan,  
19 yourself, and the Governor regarding Johnston's  
20 contribution?

21 A Not that I remember. I don't remember discussing  
22 fundraising with the Johnstons with Bill.

23 MR. ADAM, JR.: May I have one moment?

24 THE COURT: Sure.

25 (Brief pause).

Monk - cross by Adam, Jr.

1432 - A

1 BY MR. ADAM, JR.:

2 q You have told us that on a number of occasions in  
3 2008 you lied to Rod about what the Johntsons were  
4 telling you, is that correct?

5 A Yes.

6 q Now, you were a lobbyist earning \$150,000 a year,  
7 is that right?

8 A Right.

9 q From the Johntsons?

10 A Right.

11 q It was your job to be truthful with the  
12 Johntsons, wasn't it?

13 A Yes.

14 q And you betrayed that trust, is that right?

15 A Yeah, I overstated conversations I was having  
16 with Rod.

17 q When you say you overstated, you were telling  
18 them conversations you never had, didn't you?

19 A Yeah. Yes.

20 q Like the one in which you heard something from  
21 Harris and you attributed it to the Governor, isn't  
22 that right?

23 A That's correct.

24 q And that was the people that have hired you and  
25 paid you \$12,500 a month, correct?

Monk - cross by Adam, Jr.

1433 - A

1 A Correct.

2 q And you were to give them the best you could,  
3 weren't you?

4 A I was supposed to, yes.

5 q Not only at that time, at that time, not only are  
6 you a friend and former employee of the Governor,  
7 but you're acting on his campaign fund trying to get  
8 funds at the same time, is that right?

9 A Yes.

10 q And you understand that the Governor of the State  
11 of Illinois has to make decisions that affect  
12 everyone in the community in Illinois, don't you?

13 A Yes.

14 q You understand how important that is, correct?

15 A Yes.

16 q You understand that when it comes to certain  
17 things, the Governor was relying upon you in 2008 to  
18 give him accurate information so that he could make  
19 decisions that affects everyone in Illinois, isn't  
20 that right?

21 A No, he and I were talking about fundraising.

22 q But you were also talking about the signing of  
23 the Recapture Bill, correct?

24 A Correct.

25 q And that affected a number of people in that

Monk - cross by Adam, Jr.

1434 - A

1 industry, didn't it?

2 A Yes.

3 q You have told us that even your clients were  
4 supposed to be getting, not earning, but getting  
5 \$9,000 a day, is that correct?

6 A Yes.

7 q And when I say not earning, tell us what the  
8 Johntsons did to earn \$9,000 a day?

9 A Nothing that I can think of.

10 q And, in fact, that's \$9,000 a day they are taking  
11 away from casinos that actually earn the money,  
12 isn't that right, Mr. Monk?

13 MR. NIEWOEHNER: Objection; relevance.

14 THE COURT: The objection is sustained.

15 BY MR. ADAM, JR.:

16 q Well, is it fair to say that on direct  
17 examination you said they were losing \$9,000 a day,  
18 is that right?

19 A They weren't getting \$9,000 a day that they  
20 otherwise would have gotten if the law was in  
21 effect, yes.

22 q If the law were passed, isn't that right?

23 A If the law were in effect; signed.

24 q It's got to -- in order to be in effect, it has  
25 to be signed, doesn't it?



Monk - cross by Adam, Jr.

1435 - A

1 A Correct.

2 q And as you know from your years in state  
3 government, how long does the Governor have to sign  
4 a bill?

:22PM

5 A I'm not positive. I think it's 90 days.

6 q If I told you --

7 A I don't know.

8 q If I told you the constitution of Illinois said  
9 60 days, would that be approximately right?

:22PM

10 A Yeah.

11 q 60 days, is that right?

12 A Yeah.

13 q And even if he doesn't sign that bill after  
14 60 days, it still becomes law, isn't that right?

:23PM

15 A Yes.

16 q So the only way in which the Johntsons -- strike  
17 that.

18 The only way th Racetrack Bill would not take  
19 effect would only be if he actually vetoed the bill?

:23PM

20 A Right.

21 q At any time on any conversation that you had with  
22 the Governor, did he ever tell you he was going to  
23 veto the bill?

24 A No.

:23PM

25 q In fact, did you ever have a discussion with him

Monk - cross by Adam, Jr.

1436 - A

1 in which he used the term "veto" and the Recapture  
2 Bill?

3 A No.

4 q From day one through day whatever he told you he  
5 is going to sign it, right?

6 A Yeah, he said don't worry about it.

7 q And you had a problem with the timing of the  
8 contribution and the signing, didn't you?

9 A I thought it could be a problem, yeah.

10 q And, in fact, you saw that prior to the actual  
11 November 20th when the legislature passed it, didn't  
12 you?

13 A Yeah.

14 q You saw that as a possible problem that was  
15 coming up as far as perception was concerned,  
16 correct?

17 A Yeah.

18 q At no time prior to November 20th did Rod  
19 Blagojevich ever express to you the signing of the  
20 bill would be in exchange for the contributions,  
21 correct?

22 A No.

23 q And you felt so strongly about this perception,  
24 that there might be seen as one for the other, that  
25 you raised it with the Governor at a basketball

Monk - cross by Adam, Jr.

1437 - A

1 game, correct?

2 A Yeah.

3 q You came to him and said, there very well may be  
4 a timing issue here between when you get the  
5 contribution and the signing of the bill, correct?

6 A Once it passes, yeah.

7 q Once it passes, right?

8 A Right.

9 q And you expressed that to him, right?

10 A Right.

11 q And at the same time you're expressing to him  
12 that there is a problem between the timing of the  
13 contribution and the signing, you're lying to him  
14 about the Johntsons saying they're going to come in  
15 with the money today, aren't you?

16 A I don't think so. I didn't think I told him the  
17 money was going to come in that day.

18 q When do you say you went to the basketball game?

19 A I believe it was November 13th.

20 q And that's where you tell him -- well, no, strike  
21 that.

22 He couldn't sign the bill between the 13th  
23 and 20th, right?

24 A The bill hadn't passed, right.

25 q In fact, he couldn't even sign it until the 24th?

Monk - cross by Adam, Jr.

1438 - A

1 A Correct.

2 q Because it had not reached his desk, as we  
3 learned?

4 A Correct.

:25PM

5 q So on the 24th, did you have a conversation with  
6 the Governor regarding whether or not the Johntsons  
7 were going to bring in money?

8 A I don't remember. Can I look at the transcript?

9 q I got to find it first. One second.

:26PM

10 (Brief pause).

11 BY MR. ADAM, JR.:

12 q Right here.

13 On the 24th didn't you have a conversation  
14 with the Governor in which you told him that you  
15 were talking to the Johntsons and they said: Don't  
16 worry about it, I'll try and get it in Monday, I'll  
17 see you Monday, we'll do it Monday, didn't you tell  
18 him that?

:26PM

19 A If it's the same conversation I think you're  
20 talking about, I think I said, "I'll meet with you  
21 on Monday and we'll work it out."

:27PM

22 q Correct. And you explained that to the Governor,  
23 didn't you?

24 A Yes.

:27PM

25 q So at the very same time you express this idea

Monk - cross by Adam, Jr.

1439 - A

1 that there's a timing issue that "you don't,  
2 Governor, want to sign the bill and get the money at  
3 the same time," you're telling him he's about to get  
4 the money, aren't you?

5 A Again, if you're talking about the call I think  
6 you're talking about, I don't think I thought we  
7 were going to get the money, but John Johnston was  
8 telling me we'll get together on Monday and work  
9 out, work it out. He didn't say I'm going to give  
10 you the money on Monday.

11 q Please turn to 74.

12 MR. ADAM, JR.: May I ask, Your Honor, to  
13 publish this to the jury?

14 THE COURT: Not if you're just going to use  
15 it to refresh his recollection.

16 Page?

17 MR. ADAM, JR.: That would be tab 74, Your  
18 Honor, Page 1.

19 BY MR. ADAM, JR.:

20 q Could you please go to line 18.

21 A Okay.

22 q And would you please read what you say to the  
23 Governor from 18 through 24.

24 A (Reading:)

25 "... okay, I pressed Johnny again today. He

Monk - cross by Adam, Jr.

1440 - A

1       said I want to do something with Gupta. I said  
2       no, I, I need you to do it separately where  
3       we're playing too many games here. He goes,  
4       okay, you and I get together Monday and we'll  
5       work it out, I'll get you the money?"

6   q   That was what I just asked you, wasn't it,  
7   Mr. Monk?

8   A   Yes.

9   q   You said:

10       "... okay, you and I get together Monday and  
11       we'll work it out, I'll get you the money."

12       Isn't that what you told the Governor  
13   Johnston said?

14   A   Yes.

15   q   You're expressing to the Governor that he's about  
16   to give him the Monday common, Mr. Monk?

17   A   No, I'm expressing with him that I'm going to  
18   meet with Johnny on Monday, that eventually I'm  
19   going to get the money but we'll work it out on  
20   Monday.

21   q   well, if you said --

22   A   I didn't think we were going to get the money on  
23   Monday.

24   q   well, whether you thought you were or not, you  
25   didn't tell him that, did you?

Monk - cross by Adam, Jr.

1441 - A

1 A This is what I told him.

2 q You know he's relying on you to give him the  
3 information about your client, correct?

4 A Yes.

5 q He wasn't talking to the Johnstons then, was he?

6 A Not that I'm aware of.

7 q Not that you're aware of.

8 He didn't call the Johntsons and ever express  
9 any threats that you know of, did he?

10 A No.

11 q You also told him in other conversations:  
12 Governor, the Johntsons keep saying I'm good for it,  
13 I can have it tomorrow? Or words to that effect.  
14 Or very soon?

15 A (No response.)

16 q Correct?

17 A I'm sorry, can you repeat the question?

18 q Bad question. Bad question.

19 You had a conversation with the Governor on  
20 December 2nd, didn't you, regarding the Johntsons,  
21 correct?

22 A I don't think I did.

23 q You don't believe you did?

24 A No.

25 q well, let me ask you, did you have a conversation

Monk - cross by Adam, Jr.

1442 - A

1 with the Governor at 8:12 p.m. on your cell phone in  
2 which you tell the Governor -- strike that.

3 In which the Governor asks you, "well, how  
4 about the Johntsons," this is December 2nd, and you  
5 tell him, "you know, the same thing, he says,"  
6 meaning Mr. Johnston, "look, I know what I have to  
7 do, I'm gonna get it done, I'm just moving, account,  
8 I'm moving money," did you tell that to the  
9 Governor?

10 A It sounds like something that I would say related  
11 to Rod, I don't know whether I did it on December  
12 2nd.

13 q would seeing the transcript of that help you?

14 A I think so.

15 MR. ADAM, JR.: May I approach, Your Honor?

16 THE COURT: Sure.

17 BY MR. ADAM, JR.:

18 q And when you're done, just let me know.

19 (Brief pause).

20 BY THE WITNESS:

21 A I'm done.

22 BY MR. ADAM, JR.:

23 q Isn't that a conversation you had?

24 A This sounds like a conversation that I would have  
25 had with him. I can't swear I had it on



Monk - cross by Adam, Jr.

1443 - A

1 December 12th, but that's what that says.

2 q If it were played for you, would you recognize  
3 your voice?

4 A Yeah.

5 MR. ADAM, JR.: Your Honor, I ask to play  
6 session 360, if I may, Your Honor?

7 THE COURT: Yes.

8 MR. NIEWOEHNER: For who?

9 MR. ADAM, JR.: For the jury, Your Honor.

10 MR. NIEWOEHNER: Objection.

11 THE COURT: What tab are we at?

12 MR. ADAM, JR.: It's not a tab, Your Honor.

13 (Brief pause).

14 THE COURT: Yeah, you can play this. Just  
15 that part of it.

16 MR. ADAM, JR.: Yes, your Honor.

17 (Brief pause).

18 MR. NIEWOEHNER: Your Honor, is this  
19 refreshing recollection or is this affirmative  
20 evidence?

21 THE COURT: I think it's affirmative evidence  
22 because you have a witness who says "I think that's  
23 what I said" and he was asked if he would know if he  
24 heard it. Although those are not the exact words  
25 that Mr. Adam used, the witness said this will help

Monk - cross by Adam, Jr.

1444 - A

1 him remember if precisely he said it.

2 MR. NIEWOEHNER: If it's for -- well, to the  
3 degree it is helping him to remember, wouldn't that  
4 be appropriate to play --

5 THE COURT: I believe that given it's  
6 shortness, I think it's more efficient to have it  
7 played in front of the jury. Although we could've  
8 used another method, I think this is adequate for  
9 this purpose.

10 (Tape played).

11 BY MR. ADAM, JR.:

12 Q Did you recognize the two voices on there?

13 A Yes.

14 Q Was that you?

15 A Yes.

16 Q Was that Rod?

17 A Yes.

18 Q And, again, you're telling him the Johntsons are  
19 coming in with the payment, aren't you?

20 A They're good for the money, yeah.

21 Q And at the same time you're telling him that,  
22 you're also expressing to him that taking the money  
23 at the same time of signing it is a problem, aren't  
24 you?

25 A Not in that phone call.

Monk - cross by Adam, Jr.

1445 - A

1 q I'm not asking about that phone call --

2 A I'm sorry.

3 q -- but the same period of time.

4 A It could be a problem, yeah.

5 q And so he -- strike that.

6 You know, as a politician, the thing to do is  
7 hold off until you're sure of what's gonna happen,  
8 that's how you handle it the right way, hold off on  
9 everything until it's handled appropriately,

10 correct?

11 MR. SCHAR: Objection.

12 THE COURT: Sustained.

13 BY MR. ADAM, JR.:

14 q Well, you have told the ladies and gentlemen of  
15 the jury that the reason you say now that the  
16 Governor was holding off was because he didn't get  
17 his contribution, correct? That's what you say now?

18 A Yes.

19 q At the time did you say to him: Gov, I've known  
20 you a long time, are you holding off on this because  
21 you're not getting your contribution?

22 A No.

23 q You're his pal, his buddy?

24 A Right.

25 q And you never took it upon yourself to say:

Monk - cross by Adam, Jr.

1446 - A

1 Look, this is just the two of us here, tell me  
2 really why you're not doing this?

3 A I didn't think I needed to.

4 Q And, in fact, what you say you needed to do was  
5 go into a secret room with him in the FOB office and  
6 work out just how you're going to tell the Johnstons  
7 it's not an extortion, correct?

8 MR. NIEWOEHNER: Objection.

9 THE COURT: The objection is sustained.

10 BY MR. ADAM, JR.:

11 Q Rod explained to you that it wasn't about him not  
12 getting the contribution but that for him it was a  
13 timing issue, didn't he?

14 A Yeah.

15 Q At the time in which you're having these  
16 discussions--I'll come right back to it--at the time  
17 you are having these discussions, say November 1st  
18 through December 9th, you had no reason to believe  
19 the phones were tabbed, did you?

20 A No.

21 Q You had no reason to believe that the FOB office  
22 was tabbed, did you?

23 A No.

24 Q You had no reason to believe that what you and  
25 your darn near best friend was saying to one another

Monk - cross by Adam, Jr.

1447 - A

1 was being recorded, did you?

2 A No.

3 Q There was nothing prevented you, as far as you  
4 knew, from talking to him and him talking to you in  
5 an open, truthful manner, was there?

6 A No.

7 Q And Rod told you on -- Rod told you on the 25th,  
8 the day after that bill hits his desk, the 25th of  
9 November, Rod told you that it was about a timing  
10 issue, didn't he?

11 A Yeah.

12 Q And by "timing issue" meant he saw the potential  
13 problem you saw, that if I take this money at the  
14 same time I sign it, my critics are going to say it  
15 was one for the other, didn't he?

16 MR. NIEWOEHNER: Objection.

17 THE COURT: The objection is sustained.

18 BY MR. ADAM, JR.:

19 Q What did you understand him to mean when he says  
20 "timing issue"?

21 A That he was concerned about the signing of the  
22 bill and the Johnstons getting worried about giving  
23 him a contribution after he signed the bill.

24 MR. ADAM, JR.: Your Honor, I think this is a  
25 good place to stop.

Monk - cross by Adam, Jr.

1448 - A

1 THE COURT: How much longer do you have to go  
2 actually for the whole thing?

3 MR. ADAM, JR.: Probably tomorrow.

4 THE COURT: Sure.

5 9:30 tomorrow morning.

6 THE MARSHAL: All rise.

7 (The following proceedings were had out of the  
8 presence of the jury in open court:)

9 THE COURT: Counsel, just in case you manage  
10 to do this in less than an entire day, what would be  
11 next for you?

12 MS. HAMILTON: Our next witness is David  
13 Abel, and then Vinnie Mazarro, they're both short  
14 witnesses regarding the pension obligation bonds.

15 THE COURT: Okay. And then after that?

16 MR. NIEWOEHNER: Joseph Aramanda.

17 THE COURT: Okay.

18 Anything else anybody wants to raise?

19 MR. NIEWOEHNER: Your Honor, yes, just on the  
20 possibility that there's going to be more segments  
21 played by defense on cross with Mr. Monk, they gave  
22 us on Saturday some transcripts that they suggested  
23 they would intend to use and our view is that a  
24 number of those transcripts are problematic because  
25 they mislabel speakers, they do not identify

Monk - cross by Adam, Jr.

1449 - A

1 correctly the exact words that are spoken and so we  
2 would object, and we have a number of other  
3 objections depending on how they're used.

4           So I wanted to raise that issue now because  
5 we may have a 403 objection to certain transcripts  
6 being shown to the witness because they are flat out  
7 inaccurate. In addition, we're likely to have  
8 hearsay objections, relevancy objections based on  
9 the sections that were provided to us. So I guess  
10 we're flagging the issue for Your Honor.

11           THE COURT: Have you flagged the issue to  
12 your opponent?

13           MR. NIEWOEHNER: I didn't know how quite they  
14 were going to use it. We could certainly talk after  
15 court today and get a better fix on what they are  
16 planning to do.

17           THE COURT: What you ought to do is speak  
18 with each other and see what is controversial and  
19 what isn't and then maybe some discovery can be  
20 presented to me before you get started on it.

21           Basically the line that's being walked here  
22 by the defense it's not, I think, what would be  
23 their free choice to walk this line but the law  
24 requires them to walk it is, they can impeach the  
25 witness in some respects, although that's an iffy

1 proposition because if you are using what's on the  
2 recording because it's probably what the witness  
3 identified as the speech in the first place, so  
4 there's not going to be any inconsistency, there  
5 could be some inconsistency with what he said at the  
6 time and what he is saying now, which is essentially  
7 the theme already stated which is that he lies,  
8 which he's freely admitted. The one thing they  
9 can't do is use a recording to say well, Rod said  
10 this and this is what it meant.

11           They might, it's not for certain, they might  
12 be able to use it if the defendant takes the witness  
13 stand, as was promised to me in opening statement,  
14 and he says I said this and this is what I meant;  
15 two entirely different things.

16           But I think the defense understands that they  
17 cannot put their client's statements in through the  
18 medium of this particular witness. He's going to  
19 have to do it himself. And even he is not going to  
20 be taking generally about what he said on certain  
21 days and give an entire recitation -- he can give an  
22 entire recitation but he can't use the tapes to do  
23 it. And there are even some limitations with  
24 respect to 403 because we're going to have this  
25 trial go on to the point where it's an unnecessary



Monk - cross by Adam, Jr.

1451 - A

1 burden on everybody, including the defendants for  
2 that matter.

3 But, basically, I think that line has been  
4 clearly drawn. I think that, by and large, defense  
5 counsel understands that. If defense counsel on  
6 occasion tries to stretch the envelope, which  
7 defense counsel do, every now and then they're  
8 entitled to try, it's just that so they don't do it  
9 too often. And in some cases, if it's something you  
10 really want to take a shot at, why don't you front  
11 it with me first.

12 MR. ADAM, JR.: Yes, your Honor.

13 THE COURT: And I think maybe we can get  
14 along that way, okay?

15 MR. ADAM, JR.: Yes.

16 MR. NIEWEOHNER: Just as a general principle,  
17 as I understand it, if they're trying to impeach  
18 Mr. Monk with something, the section of the call  
19 that would impeach him might be pertinent, but  
20 anything else in the call that didn't relate to that  
21 impeachment should not be introduced.

22 THE COURT: Right, it shouldn't be  
23 introduced. And, in many cases, we can -- there are  
24 only so many times without wasting time that you can  
25 impeach a witness, successfully impeach a witness

1 who has said repeatedly that he has lied to the  
2 defendant and lied to others.

3           You know, you can do a little of it, but  
4 after a while it becomes too much of the same thing  
5 and I have the right to exclude it under Rule 403.  
6 Defense counsel are not there yet. If they get  
7 there, we can deal with that when it comes up.

8           Okay. Thanks.

9           (Adjournment taken from 4:45 o'clock p.m. to  
10           9:40 o'clock a.m. on June 15, 2010.)

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Monk - cross by Adam, Jr.

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2 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT  
3 FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED  
4 MATTER

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/s/Blanca I. Lara

June 9, 2013

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